# ACTS

Done and Paſt in the

## SECOND SESSION

Of the ſecond Triennal

## PARLIAMENT

Of our Soveraign Lord

## CHARLES *THE* I.

By the grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

And in the

## FIRST PARLIAMENT

Of our Soveraign Lord

## CHARLES the II.

By the grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Holden at *Edinburgh*, Beginning the 4. of *January*, And ending the 16. of *March* 1649.

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*EDINBURGH*,

Printed by *Evan Tyler*, Printer to the Kings moſt Excellent Majeſtie. *Anno* 1649.

# ACTS

## DONE AND PAST IN THE Second Seſsion of the ſecond Triennial Parliament: Holden at *Edinburgh*, and beginning the fourth of *January*, 1649. and ending the ſixteenth of *March* in the year aforeſaid.

## ACT I.

### *Act anent the election of the Earle of* Loudoun *Lord Chancellour, to be Preſident of this Seſsion of Parliament.*

*4. January 1649.*

HE Eſtates of Parliament now preſently conveened in this ſecond Seſſion of the ſecond Trienniall Parliament, by vertue of an Act of the Committee of Eſtates, who had power and authority from the laſt Parliament for conveening the Parliament, Taking to their conſideration the 50 Act of the Kings Majeſties ſecond Parliament holden at *Edinburgh*, in *anno* 1641. Intituled, Act anent the election of the Preſident of Parliament, together with the 42. Act of the laſt Seſsion of the firſt Triennial Parliament of the date at *Edinburgh*, the 27 day of *March*, 1647 years, Intituled, Act anent the election of a Preſident of Parliament for ilk ſeſsion of Parliament, explaining the former Act concerning the time of the endurance of the Preſident of Parliament, And according hereunto *John* Earle of *Loudoun* high Chancellour of *Scotland*, Preſident of the laſt Parliament, Having miniſtred the oath of Parliament To the whole members of Parliament preſent, And repreſented to them the two Acts of Parliament abovementioned, which were read in audience of

Parliament, The ſaids Eſtates of Parliament after voycing did elect and chooſe the ſaid *John* Earl of *Loudoun* high Chancellour of *Scotland* To be Preſident of this Seſsion of Parliament, And to precede thereintill as Preſident of Parliament during this Seſsion of Parliament, And while the taking of the oath of Parliament and election of another Preſident in the next Seſsion of Parliament, conform to the foretaid Act of Parliament of the 27 of *March*, 1647. 42.

# ACT II.

## *Act for a Solemn Faſt and Humiliation to be keeped by all the members of this Parliament, in relation to publick ſins and breaches of Covenant, And for their renewing the League and Covenant and engagement to the duties therein contained.*

*January* 5. 1649.

THE Eſtates of Parliament, taking to their ſerious conſideration the great ſins and provocations of the Land, and the great calamities and diſtreſſes wherewith they have been exerciſed, and which yet hang over their heads, And being deſirous to return unto the Lord by humbling themſelves before him, with ſincere confeſsion of their ſinnes and engagement to do no more ſo, But to reform their wayes, and be ſteadfaſt in his Covenant; And conſidering that in relation to the generall ſinnes of the Land, The Commiſsion of the General Aſſembly appointed a ſolemn Acknowledgement of publick ſinnes and breaches of Covenant, and a publick engagement to the duties therein contained; Therefore the ſaid Eſtates, in the ſence of their own ſinnes, and of their acceſsion to the breaches of the whole Land, Do reſolve that all the members of the preſent Parliament humble themſelves in the Parliament houſe before the Lord, in a ſolemn Acknowledgment of their ſinnes and breaches of Covenant, and engage themſelves to a more ſtrict obſervance of publick duties, eſpecially of thoſe that relate to the dangers of the time, And alſo that they renew the ſolemn League and Covenant according to the order ſet down by the Commiſsion of the Generall Aſſembly, And that this may be performed with faſting and humiliation and all other religious duties, and a day ſet apart for that purpoſe, The Earle of *Caſsils*, Sir *Archbald Johnſtoun* of *Wariſtoun*, and the Proveſt of *Edinburgh* are to aquaint the Commiſsion of the Kirk with this reſolution, and in name of the Parliament to deſire that ſome of their number may

may preach in the Parliament house, and administer to them the Covenant, And do and order all other things necessary for so solemn and religious an action.

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# ACT III.

## *Act ratifying the Act of Indiction of this present Parliament.*

11. *January* 1649.

THE Estates of Parliament now presently conveened in this second Session of the second Triennial Parliament, by vertue of an Act of the Committee of Estates who had Power and Authority from the last Parliament, for conveening the Parliament; Having taken to their consideration the said Act of the Committee of Estates of the date the twenty seventh day of *October* one thousand six hundred fourty eight yeers, whereof the Tenour followeth. At *Edinburgh* the twenty seventh day of *October* one thousand six hundred and fourty eight yeers. Whereas it is the speciall duty and priviledge of Parliament to settle and preserve the Government and Peace of the Kingdom, and to keep the Judicatories thereof free from corruption, and preserve the union betwixt the Kingdoms. And that the expedience and necessity of frequent meetings of Parliament for the good of the Kingdom, especially in troublesome times is known to all, and that now after so many great distractions and alterations, the Kings Majestie and the Honourable Houses of the Parliament of *England* are upon a Treaty, wherein Religion, the King, and the good and peace of the Kingdoms are so nearly concerned; In all which, the interest of this Kingdom, can be best setled and secured by the wisdom and authority of the Parliament. Likeas by the late Treaty at *Edinburgh* and *Stirling*; It is agreed on, That all Civill questions and differences whatsoever, be referred to the determination of a Parliament, to sit down before the tenth of *January* next. And in regard of the clause contained in the Commission to the Committee of Estates, giving them power to call a meeting of the Estates of Parliament, The whole persons on the Committee within the Kingdom being warned. Therefore the Committee of Estates having warned duely by Letters all these that are now of their number, and being frequently conveened, They think fit to call. Likeas they doe hereby appoint and call a meeting of the Estates of Parliament to sit down at *Edinburgh* the fourth day of *January* next to come, In the year of God one thousand six hundred forty nine yeares. And ordains the severall Shires and Burghs to send thereto Commissioners qualified according to the Acts of the

twenty

twenty two of *September*, and fourth of *October*. And doth hereby warn all Members of Parliament, Noblemen, Commissioners of Shires and Burghs, who are free of the faults contained in the foresaids Acts, To meet and conveen at *Edinburgh* in Parliament on the day aforesaid, without any other or further warning or premonition to be made for that effect, But only the Proclamation and publication of this present Act, and that in place of all other solemnities and formalities. And whereas the corruption of Judicatures of this Kingdom, and Officers of Estate, and other persons in publick trust, hath been the cause and fountain from whence our former evils hath proceeded; And whereas by our solemn Acknowledgment agreed on by Kirk and State, we are bound to God; by our Engagement to *England*, we are bound to them: and by the forecited Acts and publick Declarations, we are obliged before the world to endeavour the purgation and reformation of our Iudicatories and places of publick trust. And forasmuch as the foresaids persons, and all who are in publick trust, are liable to the judgement and censure of Parliament for their proceedings in their severall places and offices. Likeas by the agreement at *Edinburgh* and *Stirling*, all such as have been imployed in publick place and trust, and have been accessory to the late unlawfull Engagement, should forbear the exercise of their places in the mean time; And all questions are referred to the determination of the Parliament. And whereas by the said Treaty, all these who have been accessory to the said Engagement, or challengeable for their said accession, at the least in so far as concerns their places and publick trust, and the debarring of them from any of these; Therefore the Committee of Estates do hereby warn and cite all and every one of these who exercised any office, place, or publick trust, or who were Members or Clerks of any publick Judicatory, of whatsoever degree, quality or condition soever, in Burgh or Land within this Kingdom, And hath been accessory to the late Engagement, or are guilty of the faults mentioned in the printed Acts of the twenty two of September and fourth of October, To compiere before the Estates of Parliament at *Edinburgh* the fourth day of January next to come, in a peaceable way, accompanied only with their own domestick servants, to hear and see the Parliament take such course as they in the justice and wisdom for the good of the Kingdom shall think fit, For the purging of Iudicatories, and for declaring of their places vacand, and filling of them with such as are able qualified persons fittest for the service, and may give most contentment, and as hath continued constant to the Covenant and Cause in the time of Tryal; and for debarring them who are put out from any other publick places or trust during such time, and in such manner as the Estates of Parliament shall think fit; With certification to every one of the persons concerned, as is aforesaid: and warned by this publick Proclamation (which the Committee of Estates Declares, that they finde it a sufficient intimation in this notour case of so great and publick a back-sliding to all persons con-

concerned therein for the effect aforesaid) To be esteemed by them equivalent to a personall citation at their dwelling houses, upon particular Summons against every one of them, to compier before the Estates of Parliament, as is aforesaid; And if they compeir not, that then the Estates will proceed both to determine the generall question, and the particulars concerning their places and trust, And take what further course they shall think fitting for the good of the Kingdom. Likeas the Committee of Estates considering the present distractions of the time, and that the Parliament so neerly approacheth; They think fit to continue the down-sitting of the Session untill the Parliament give Order thereanent: and for the acceleration of justice to the Lieges, The Committee of Estates Ordains the Clerks of Session to give out Acts and Letters of continuation upon the first summons, within the ordinary time of sitting of the Session, albeit they sit not; And that none pretend ignorance of what is mentioned in this present Act, The Committee of Estates appoints it to be proclaimed at the Mercat Crosse of *Edinburgh*, Peir and Shore of *Leith*, and to be Printed; Doth approve and ratifie the same in all the Heads and Articles thereof; And findes and declares the induction and meeting of this present Parliament, to be free, lawfull, and necessary; And discharges any persons guilty of the faults mentioned in the said Act, To sit in this present Session of Parliament: And prohibits all persons whatsoever, To call in question the freedom, lawfulness and authority of this present Parliament, upon whatsoever pretext under the pain of Treason. And appoints this Act to be proclaimed at the Mercat Crosse of *Edinburgh* by an Herauld, with sound of Trumpet, that none pretend ignorance thereof: And thereafter Ordains the same to be Printed.

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# ACT IV.

## *Act repealing all Acts of Parliament or Committee, made for the late unlawfull Engagement, and ratifying the Protestation, and Opposition against the same.*

*16. January* 1649.

THE Estates of Parliament, presently conveened in this second Session of the second Triennial Parliament, by vertue of an Act of the committee of Estates, who had Power and Authority from the last Parliament for conveening of the Parliament, Taking to their most serious considerations (after so great judgments and deliverances on Gods part, and after so Solemn an Acknowledgment

ment and Covenant renewed on their part) the Acts of the last Session of Parliament, Beginning the second of *March*, and ending the tenth of *June* 1648. and of the Committee of Estates before September last, and the proceeding of the Forces raised by them in the first and second Levie, and these brought out of *Ireland*; and of the Committees of war in the severall Shires appointed by them with the grounds, reasons, and pretences therefore, whither contained in the Kings concessions at the Isle of *Wight*, or set down in their Declarations, as in the fourth and seventh, sixteen, twenty six, twenty seven Acts of the last Parliament, and in their Declaration to the Kingdom of *England*, emitted by the Committee of Estates the twenty eight day of *June* last when their Army went into *England*, in establishing, carrying on, and prosecuting the late Engagement against the Kingdom of *England*, and raising the first and second Leavie, in pressing the same at home by unlawful Bands and cruel Plunderings; and in rejecting all Warnings, Petitions, Remonstrances from the Kirk-Judicatories, and from Shires at home, and all Remonstrances and offers of Treaty made from the Parliament of *England* by their Commissioners, in refusing to declare the Kings Concessions at the Ile of Wight unsatisfactory to them, in trampling under foot the liberties of the Church at home, in invading of the Kingdom of *England*, and surprizing of their Towns, and marching through their Counties, and associating with the Malignant party there; in returning after their defeat to *Scotland*, to renew their oppression in this Kingdom, and invasion of *England*; and to that end in the raising of new Forces, sending Commissions to the classed Incendiaries of this Kingdom (who by standing Acts of Parliament were debarred from all Trust, for their joyning in the late Rebellion) and in many other ways, acts, and deeds prosecuting their designe at home and abroad. And considering the severall offers & desires made by the Commissioners of the Kingdom of *England* for continuing the Peace & Union and the many earnest and humble Petitions from severall Shires, and the most part of provinciall Synods and Presbyteries; and the just and necessary Desires, Remonstrances and Declarations of the Commissioners of the Church to the Parliament and Committee, with their unsatisfactory Answer thereunto; and the Papers past betwixt the late General Assembly and the Committee, and the Dissent and Protestations entred in the Parliament by a great number of every Estate and that of such as hath been most instrumental and constant in this Cause since the beginning. And withall, taking to their serious consideration the manifold solid reasons against the Engagement, expressed in the Remonstrances of the Commission of the Kirk given in to the Parliament; and of the unanimous Declaration of the late General Assembly, and the reply of their Commissioners, demonstrating from the Word of God the unlawfulnesse of the said Engagement, and evidencing the many Breaches of Covenant and treaties of Peace, the many wrongs done to the Liberties of the Church, and oppressions of the people of God, and many other unlawfull ingrediences in the matter, manner, nature and

effect

effect of that Engagement: and therefore denouncing Gods judgment against it, and warning the people to do their duty for the Cause of God and to the Covenant against all lets and impediments. All which was seconded so speedily and immediately by Gods own hand, stirring up the hearts of his conscientious people to the resolution of opposing so great a defection from the Cause and Covenant. And by his performing the Counsell of his messengers and confirming the words of his servants in the defeat of that Army, and their overthrow in *England* with their associats in *England*: as also in scattering of the remainder of that force returned unto *Scotland*, and joyned with these who at home where enslaviug this Kingdom, and in devesting them with their own consent by Treaty (with so little blood) of all outward force and exercise of State power, untill the determination of this Parliament. And the Estates pondering seriously the great necessity, and manifold reasons pressing the protesters in Parliament with the assistance of the constant Covenanters throughout the Land, To make that opposition in Armes, so trysted, directed and contenanced by Gods own good hand upon them as is more expressed in the Declaration of the Committee of Estates of the seventh of *October* last, and Information of the Kirk, published to the view of the world upon the ninth day of *October* last.

Therefore, and for many other reasons and considerations, convincing them in their consciences, That the foresaid proceedings of the late Parliament and Committee in the appointing and prosecuting that Engagement against *England*, and in the oppressing of the Church in her Liberties, and of the good People throughout the Land in their persons and estates; And which is most of all, in their consciences by force and violence, causing the people to sin, after they had declared by their Petitions the same was against the light of their consciences, were unlawfull before God, and against his Word, were breaches of the Solemn League and Covenant (which being an Oath to GOD so necessary is not alterable by any humane Authority) and of the Treaties betwixt the Kingdoms, and under pretence of doing for Religion, for the King, for the Kingdoms, did really tend (as doth now more appear) to the ruining of Religion, undoing of the King, and dividing of the Kingdoms; And which in few moneths hath more wasted the substance of this Kingdom, and especially of the wel-affected, then all our former troubles; And hath led out a forced multitude to slaughter or slavery, with so great reproach and disgrace to the Nation, and occasioned a powerfull Army to enter the bowels of this Kingdom in pursuit of their enemies who had invaded *England*, to the great endangering of this Kingdom, and so laying the Land open, and making it lyable to the guilt and miserie of an unjust and offensive War, drawing down Gods judgements, and exposing us and our posterity to invasion from our neighbour Kingdom, if God in his providence had not remedied the same. As the Estates of Parliament have made before God a Solemn Acknowledgment of the publick sins and breaches

of the Covenant, and a Solemn Engagement to all the Duties therein contained, Namely theſe which do in a more ſpecial way relate unto the dangers of theſe times, that Gods judgement drawn upon the Nation by ſuch a ſinfull courſe by a prevalent party of the repreſentative body, may be removed, and the like in time coming prevented; So alſo that all pretence of Law at home for proſecuting of theſe courſes, And that all pretence of quarrell from abroad againſt this Nation for the ſame may be taken away; And to teſtifie the firm reſolution and earneſt deſire of this Kingdom to preſerve inviolably the Vnion betwixt the Kingdoms, The Eſtates foreſaids, do hereby finde and declare the Kings Conceſsions at the Iſle of *Wight*, and late Declarations emitted by the Parliament and Committee, to be unſatisfactorie to them, and deſtructive to the Cauſe and Covenant: And doth diſclaim, condemn, annull, repeal, and declare to be void and of non-effect the Acts aſtermentioned, as being in themſelves from the beginning, unjuſt and unlawfull, and contrary to the Word of GOD, and Solemn League and Covenant, and large Treaty betwixt the Kingdoms, The fourth Act, intituled, *Act anent the reſolutions of Parliament, concerning the breaches of the Covenant and Treaties betwixt the Kingdoms of* Scotland *and* England, *and demands for reparation thereof.* The ſixt Act, intituled, *Act for putting of the Kingdom in a poſture of War for defence, and conſtituting the Committees of War of the ſeverall Shires.* The ſeventh Act, intituled, *A Declaration of the Parliament of* Scotland, *to all his Majeſties good Subjects of this Kingdom, concerning their reſolutions for Religion, King, and Kingdoms in purſuing of the Ends of the Covenant.* The eighth Act, intituled, *Deſires of the Parliament of* Scotland, *to the honourable Houſes of the Parliament of* England. The ninth Act, intituled, *Act anent the Levies of horſe and foot to be put out by the Shires and Burghs, and the Liſt of the Colonels, with their numbers.* The eleventh Act, intituled, *Act in favours of the out-reikers of Horſe and Foot.* The ſixteenth Act, intituled, *A Letter from the Parliament of* Scotland, *to the ſeveral Presbyteries within this Kingdom.* The eighteenth Act, intituled, *Act anent the Oath to be taken by the Committees of War in the ſeverall Shires.* The nineteenth Act, intituled, *Act and Ordinance concerning the Garriſons within the Kingdom, for proviſion of the Forces thereof, and adding of two moneths Maintenance to the former five.* The twentie Act, intituled, *Act for raiſing of Troops.* The twenty third Act, intituled, *Act Ordaining all Miniſters to exhort their people to obedience to the Laws of the Kingdom, and aſſuring theſe Miniſters of their ſtipends, during their lifetimes.* The twenty fourth Act, intituled, *Act Ordaining the whole Members of Parliament, Noblemen, Barons, Burgeſſes, and all other Subjects and inhabitants of the Kingdom to ſubſcribe this Act for defence of the lawfulneſs of this Parliament, and obedienee to the Acts thereof.* The twenty ſixt Act, intituled, *Act and Declaration of Parliament, and Anſwers to the ſupplications from Synods and Presbyteries.* The twenty ſeventh Act, intituled, *Act and Declaration of Parliament, in anſwer to the Petitions preſented to them from ſome Committees of War of Shires;*

And

And all other Acts, or parts, or clauses of any other Act of the last Parliament published, and grounds and pretences thereof, in so far as they import, the approbation, pursuance, or furtherance of the said late unlawful Engagement. And this generall Clause, is declared to be als sufficient for repealing and annulling of them, as if the tenour thereof were herein insert, wherewith the Estates dispense.

Siclike the Estates annuls, rescinds and repeals among the unprinted Acts, The Commission granted to the close Committee, concerning *Berwick* and *Carlile*, against which divers Members of Parliament entred their Dissent and Protestation, The Commissions granted to Duke *Hammilton*, and other Officers of the Army; The Ordinance in favours of these that protested in *Fyfe*, and *Hadingtoun*; The Ordinance for giving thanks to these, who in the severall Shires presented Petitions, or writ Letters for encouraging the Parliament to go on in the Engagement; The Act anent the Colledge of Justice, and their Colonell: The Act anent the Lord *Cochrane*, Laird *Garthland*, and *Alexander Crawfurd* their going to *Ireland*: The Act anent the Magistrates and Counsell of *Glasgow*: The Act ratifying the Acts of Committee made in the recess of Parliament; and all other unprinted Acts, or clauses of unprinted Acts, grounds, and pretences thereof, in so far as they import the approbation, pursuance or furtherance of the said late unlawfull Engagement. And this generall clause is declared to be as sufficient for repealing and annulling them, as if the tenours thereof were herein insert.

In like manner the Estates of Parliament condemns, annuls and rescinds all the Acts of the Committee of Estates, contained in the table subjoyned to this Act, And all other Acts or parts, or clauses of any other Acts of the said Committee of Estates, grounds and pretences thereof, in so far as they import the approbation, pursuance, or furtherance of the said late unlawfull Engagement; and this generall clause is declared to be als sufficient for repealing and annulling of them as if the tenour thereof were herein insert, wherewith the saids Estates dispense.

And in like manner, do annuall, condemn, and repeal all Acts, made, and deeds done by the former Parliament and Committee of Estates, contrary to the Liberties of the Kirk, or any wayes encroaching upon the same, in particular these which follow; first, their emitting of Declarations, containing things highly concerning Religion, not onely without advice and consent of the General Assembly and their Commissioners, but contrary to their expres Desires, supplications, Remostrances and Declarations, declaring the same to be dangerous and destructive thereto, especially the restoring of the King to honour freedom and safty, without sufficient security first had from him for securing of Religion, as is more fully expressed in the desires and Representation of the Commissioners of the General Assembly: Secondly, the puting of an unsound glos in the close of the Declaration of the Parliament upon the Covenant, and Acts of the Generall Assembly,

in theſe things that concern our duties to the King, as is clearly holden forth in the Repreſentation of the Commiſsion of the Aſſembly. Thirdly, the making proviſion for ſecuring of the ſtipends of ſuch Miniſters as ſhall be cenſured for their concurring in, or preaching for the unlawfull Engagement againſt *England*: Fourthly, their groſs miſrepreſenting of the proceeding of the Commiſsion of the General Aſſembly by the Parliaments Letter of *May* the eleventh to the ſeveral Presbyteries, and endeavouring to incenſe them againſt the Commiſsion of the Generall Aſſembly, and to pre-poſſeſs with prejudcies the Commiſsioners to the following Aſſembly. Fifthly, the taking upon them in the Act and Declaration of the Parliament, commonly called the Band, to judge and determine ſuch things without adviſe of the Kirk, wherein the Aſſemblies of the Kirk have a ſpecial intereſt of an antecedent judgement, as who are enemies to Religion, and who not, and what are the moſt fit and neceſſary remedies for preſerving of the ſame. Sixthly, their depriving of the Generall Aſſembly and their Commiſſioners of the liberty of Printing, by putting an inhibition to the contrary upon Printers, under the pain of death, againſt ſeverall Acts of Parliament, Declaring and confirming the Kirks Liberty and Priviledge of Printing: And ſiclike diſclaims and condemns their impious uſurpation in calling in the Printed Copies of the Cauſes of a Solemn univerſall Faſt and Humiliation, indicted by the Commiſsioners of the Aſſembly, and inhibiting of the Printer to give any out of his hands, thereby intending to interrupt the obſerving of the Faſt by the want of information of the Reaſons and Cauſes thereof; And alſo annuls, and repeals, diſclaims and condemns, all and ſundry other Acts made, and deeds done by the ſaid Parliament or Committee of Eſtates, or by their Authority that may infer any prejudice to Religion, or the power, priviledges and Liberties of the Kirk which we are bound by ſo many ſtrong Bands and Solemn obligations to maintain: And ſiclike annuls and reſcinds all Acts of Committees of Shires, or Burghs Royall, or of Regality, Barony Courts, or other Judicatories whatſoever made in purſuance of that Engagement; And Ordains all the ſubſcribed Copies of the Band, condemned by the Generall Aſſembly, to be brought in to the Parliament or Committee of Eſtates, to be diſpoſed of as they ſhall think fitteſt: And all other Acts, grounds, and pretences thereof, in ſo far as they import the furtherance, or purſuance of the ſaid late unlawfull Engagement. Likeas the Eſtates of Parliament, upon the manifold abovementioned grounds more fully related in the Declaration of the Committee of Eſtates, and Information of the Kirk, being perſwaded that the Proteſtations of the Members made in Parliament, and their Oppoſition ſince by defenſive Armes for the ſafety of the Covenant, Cauſe, and themſelves from ruine, againſt ſo great a defection, carried on with ſo great oppreſsion; and their proceedings in the Treaty at *Stirling*, diveſting the Ingagers with their own conſent, of power and force which they had in their hands; and their aſſurance given by the Act of the ſixt of *October* to

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the Kingdom of *England* for debarring of the Authors and Abettors of that Engagement from places of publick Trust or Power without their consent, which was demanded by their forces as the least satisfaction and security before their removal, and their proceedings by publick Acts in the pursuance of these two Treaties, to seclude those who had concurred in the Engagement from power in Judicatories, Armies, or places of Trust untill the determination of a Parliament were Laws in themselves, and necessary for them according to the condition of affairs. Therefore the Estates of Parliament did allow, approve of, and confirm the Dissent and Protestation made in Parliament by many Faithfull Members of each Estate, whereof the tenour follows. "Whereas the draught of a Declaration hath been read concerning the breaches of the Covenant in matters of Religion, and "the Demands to be made for remedy and reparation thereof, the "dangers to Religion, and the duties whereunto we are obliged by "Covenant, for Reformation and Uniformity in Religion, and the security to be had for the establishing the same: upon which grounds "also a War is principally founded: And whereas we have earnestly "desired and insisted, that there may be no proceeding to any determination concerning the said Declaration, before the Commission "of the Generall Assembly be first consulted therein: We do hereby "enter our Dissent from proceeding to the determination of matters "so highly concerning Religion, without the advise and concurrence "of the Kirk, as a preparative of most dangerous consequence to Religion, and destructive to the Liberties of the Church; as contrary "to the Nationall and Solemn League and Covenant, and to the "known Laws and constant practise of this Kingdom. And we do protest, that we may not be included in any such Vote or Resolution, but "may be free of all the guiltiness, confusions, distractions, and evils "whatsoever that may follow thereupon to Religion, the King, this "Kirk and Kingdom, and the union betwixt the Kingdoms.

And siclike allows the rising of such Shires and others who joyned in Armes for opposing of the said Engagement, and rescuing the Kingdom from the oppression of the Forces under the command of the Earl of *Crawfurd*, Earl of *Lanerk*, and *George Monro*, and their proceedings in pursuance thereof, and also ratifies the late Treaty at *Stirling* & *Edinburgh*, upon the twenty sixt & twenty seventh of *September* last; and siclike allows the Treaty and Engagement to the Kingdom of *England* by their answers of the sixt of *October* last, for debarring of the Engagers from publick trust in this Kingdom without their consent. Siclike the two Acts of Committee of the twenty second of *September*, and fourth of *October*; and the Act of the ninth of *November*, all made for debarring of these who concurred in the late Engagement, from the exercise of publick places or trust untill the determination of this Parliament. Likewise the Declaration of the Committee of Estates concerning their proceedings in opposition to the late unlawfull Engagement against *England* of the date the seventh of *October* last,

last, published to the world; and the Act of the said Committee for making of the publick Acknowledgment, and renewing of the Covenant, and the Act of the Committee of the fourteen of *October* last: All which the Estates of Parliament, as is aforesaid, do allow, confirm, and ratifie in all the Heads, Clauses and Articles thereof. And this generall Clause is declared to be als sufficient for ratifying and confirming the saids Acts and Clauses thereof, as if the Tenours of the same were here particularly insert; Wherewith the Estates foresaids do hereby dispense.

Followes the list of the Acts of the Committee of Estates for advancing the Ingagement. Act for displacing of such of the committee of Warre as would not take the Oath. Act for sending the forty thousand pounds to *Ireland*, Warrand to quarter upon the deficients in the unlawfull Ingagement. Letters to severall Shires for advancing the Levie. Letters, Commissions, Desires and Answers for bringing the forces out of *Ireland*. Warrand for imprisoning the Magistrates and Counsell of *Glasgow*, for their deficiencie in the Levie. the Oath to be taken by the Committee for maintaining the proceedings of Parliament. Approbation of the Earl of *Callendar* & General Major *Middleton* for their base, cruell and unnaturall proceedings against the honest and conscientious people that met at *Mauchline Moore* for their own defence, whilk was not done without the baseness and treachery of some. Protection to the Captain of *Clanrainold*, and *Maclene* excommunicate bloody Rebels. Act for stopping of printing; not withstanding the Kirks liberty. Letter to the Army in *Ireland* to proceed against thele that refused to obey their Orders for the Ingagement, as enemies to Religion, King and Kingdoms. Warrand to Duke *Hammilton* to Garrison the houses of the best affected in the West. Warrand to the Marquesse of *Argyle* to deliver *Lamond*. Commission to the Earle of *Crawford* to command the forces that come out of *Ireland*. Act for drawing Dittayes against the Ministers, and for continuation of their processe untill a new citation. Commission to Sir *Robert Dowglas* of *Blakestone* (a prime classed malignant, for having hand in the rebellion of *James Grahame*) to uplift the fines of the honest men in the West, for being at *Mauchlin Moore*. Commisinn to young *Maclene* who had been in the Rebellion to be a Collonell. Declaration anent the Lord *Inchiquin* and his army. Warrand to Duke Hammilton to invade *England*. The Declaration of the Committee of Estates anent the necessity of invading of *England*. Act for repaying monies advanced for the Ingagement. Letters to *Lambert* to joyn with Duke *Hammiltons* army. Warrand to Mr. *George Halyburton* to borrow mony in *England* upon publick faith unlimitted. Letters to the King and Parliament of *England* shewing their intentions in the Engagement, sent with Mr. *George Halyburton*. Act taking off Sir *John Drummonds* restraint. Commission to *Lauderdale* to secure Berwick. Severall answers of the Committee of Estates, and messages to the Generall Assembly most unsatisfactory. Protection of *Patrick Leslie* from the censure of the General Assembly.

Impri-

Impriſonment of *Greenhead* and Colonell *Scot*. Approbation of the Lord *Cochrane*, and Laird of *Garthlands* proceedings in *Ireland*. Act allowing of twenty thouſand pounds to Lord *Cochrane*, and Laird of *Garthland*. Act for the new Levie of one thouſand five hundred horſe under pretext of ane Guard to the Prince. Commiſsion to *Macintoſch* for ane Gariſon to the houſe of *Innerlochie*. Warrand to levie Troopes for advancing the Ingagement. Commiſsion to Duke *Hammilton* to be Governour of *Berwick*, and the Earl of *Calender* of *Carlile*. Precept to Generall Major *Robert Monroe* for ane thouſand pound ſterling. Warrand to the Commiſſioners to deliver victual to *Seaforth*, *Machlene*, and *Macdonald*, Who were in the former rebellion, for entertaining of their force. Warrand to diſcharge the Gariſons of *Dowart Moy*, and others, whereof the Marqueſſe of *Argyle* had the keeping. Commiſsion to *Macconnel* to depute another in his place, himſelf and all his friends being in the Rebellion. *Macconnel* diſcharged of his former Rebellion, and imployed without finding caution. Act pardoning *Maclene*, notwithſtanding of the Acts of the third and eight of *February* 1648. whereby he is declared to have forfeited their pardon. Charge to the Marqueſſe of *Argyle* to deliver *Lamond* under the pain of Rebellion, and his eſcheat to fall. Warrant for removing all out of the Abbey. Act approving the caſhiering of Sir *Dugald-Campbell* of *Auchinbreck*, and *William Campbell* from their places in *Argyles* Regiment, and placing others therein, for their not concurrence in the Engagement. Act diſcharging the Presbyterie of *Linlithgow* from the exerciſe of their calling, in admitting a Miniſter, and ordaining the Kirk doors to be locked. Letters relating to the Engagement. Letter for riſing of the *Atholl* men, who had been in the Rebellion. *William Gordon* of Monymore, an active and bloody Inſtrument in the Rebellion ſet at liberty freely. Warrant for publiſhing the Committees Obſervations. Princes Declaration and Information of publick proceedings. Earl of *Airlie* diſcharged of ſeventeen moneths Maintenance. The Petition from the Committee of *Stirling* Shire, anent their Miniſters Committed. New Commiſſions and Warrants, Earl of *Seaforth*, *Makgleud*, Sir *James Macdonell*, contrary to ſtanding Acts of Parliament. Commiſsion to the Earl of *Lanerk* to be General. Several Letters expreſſing they would not live, and out live that Engagement. *Lauderdails* inſtructions, to bring Forraign Forces out of *France*, *Holland*, or elſewhere. Letters to the Cardinal of *France*. Blank Commiſsion to *Lauderdail*. Warrant to engage the Publick faith of the Kingdom for money abroad, and for Arms and Ammunition. A ſtrict union with *Holland*, for aſsiſting the proſecution of the Engagement. Promiſe to reſtore the Queen. *Landerdails* inſtruction to the Prince. Letters to the Queen, inviting her to returne and to interpoſe. Letters to the the Prince of *Orange* and States of *Holland*, requiring Forraign aſsiſtance. Commiſsion to the Earle of *Seaforth* Sir *John Mackenzie*, and all other Commiſsions for levying Forces. Act made at *Stirling* and other places, for bringing out all betwixt

sixty and sixteene for their assistance. Act for giving to Sir *Harry Gib* two thousand pound *Stirling*. Commission for *Innercauld* his Regiment and watch. Act for assignments upon severall Shires, for Maintenance and Excise, and specially *Air* and *Galloway*, and all others in that kind. Disposition of the forfaultry of *Midkeltoun*. Warrants to admit to the Commitees of War these that were in the first and second Classes. Act for repaying mony that was disburst for the Engagement. Assignation of the Excise to Captain *Maine* and Master *Mauld*, All others Acts done by these Members of the Committee, who had taken the Oath before or after the first of *September* at *Stirling*, or any where else, in prosecuting of the said Engagement, & opposition to the Covenanted Forces, risen in defensive Arms. And Ordains the same presently to be published at the Mercat Crosse of *Edinburgh*, and thereafter to be printed.

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# ACT V.

## *Act in favours of the Ministers who were at* Mauchlein-Moore.

*16. January 1649.*

THE Estates of Parliament, Considering that Master *John Nevoy* Minister of *Loudoun*, Mr *William Adair* Minister of *Air*, Mr. *Gabriel Maxwell* Minister of *Dundonald*, Mr. *Alexander Blair* Minister of *Galstoun*, Mr. *Matthew Mowat* Minister of *Kilmarnock*, Mr. *Thomas Wylie* Minister of *Mauchlien*, and Mr. *William Gutherie* Minister of *New-kilmarnock* were in the moneths of *June* and *July* last 1648. charged and processed before the Committee of Estates as Traytors, for being airt and part of that opposition made at *Mauchlien* Moore, by some of the wel affected people in the West in the moneth of *June* last 1648. To the Earl of *Calendar*, and General Major *Middletons* forces, which (not without treachery of some) cruelly persecuted the wel-affected people in the West in their Estates, Lives and Consciences, for not going on in the unlawfull Engagement against their Consciences: And now the Estates having found the said late Engagement against *England* unlawfull, and having approven all the Opposition that was made thereto as lawfull, and such as the oppossers were bound unto by the Covenant; Therefore the Estates findes and Declares, That the rising in Armes at *Mauchlien* Moore by the good & wel-affected people there assembled, and what was done there by them, and by the saids Ministers in opposition

position to the said Earl of *Calender*, and Generall Major *Middletons* Forces were not only lawfull, but a zealous and reall Testimony to the Truth and Covenant, and that which became faithfull Ministers of the Gospel, and people zealous for the truth to do: Likeas, the saids Estates Ordains, that neither the people, The saids Ministers, nor any other Ministers that were there present, be any wayes troubled or molested in judgement or outwith for the same at no time hereafter: And also the saids Estates discharges all Summonds of Treason, or other Summons or Processes already intended and pursued against the saids Ministers in all time to come, with all that hath followed or may follow thereupon, for the saids Ministers their being at *Mauclein* Moore the time foresaid, or for their being accessory or airt or pairt of the said rising of the Lieges at the said time.

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# ACT VI.

## *Act of Commission anent the Universitie of St.* Andrews.

*16. January 1649.*

THE Estates of Parliament now presently conveened in this second Session of the second Triennal Parliament, by vertue of an Act of the Committee of Estates who had power and authority from the last Parliament for convening the Parliament, Considering that his Majestie hath lately given and founded to the Vniversity of St. *Andrews*, and Colledges thereof, The Few-mailes, Few-fermes, Teynds, Teynd-duties, and Annuel-rents which pertained of before to the late Archbishop of St. *Andrews* and Priory thereof annext thereto. And that the saids Rents are by expres condition of the said Mortification appointed to be distribute amongst the severall Colledges of the said Universitie, Principalls, Professours, Regents and other Members thereof, At the sight of his Majesties Commissioners appointed or to be appointed for visiting of the said Vniversity: And that the Kings Majestie and Estates of Parliament, in the last Parliament holden at *Edinburgh* in *Anno* 1641. Did upon the sixteen day of *November* 1641. Give power and Commission to certain persons therein nominate for visiting of the said Vniversity of St. *Andrews*, and Colledges thereof, And for distributing the said Few-mailes, and others abovespecified amongst the Principalls, Professours, Regents, and others Members of the said Vniversity, in manner at length mentioned in the said Commission: With power to them to order the course of the studies of the youth,

And to ſet down orders for ruling of the ſaid Univerſity, And alſo conſidering that for the weal of the ſaid Univerſity, It is moſt expedient that a new Commiſsion be granted in this preſent Parliament, To the effect above and underwritten; Therefore the Eſtates of Parliament makes, nominates and conſtitutes The perſons reſpective after following, *viz. John* Earl of *Loudoun*, Lord *Mauchline* and *Terinzeane* high Chancellar of *Scotland*, *Archbald* Marqueſſe of *Argyle*, Earl of *Kintair*, Lord *Campbell* and *Lorne*, *John* Earl of *Caſsils* Lord *Kennedy Robert* Vicecount of *Arbuthnet*, *Archbald* Lord *Angus*, *John* Lord *Torphichen*, *John* Lord *Balmerino*, *Robert* Lord *Burghlie*, *David* Lord *Elcho*, *James* Lord *Couper* Sir *Archbald Johnſtoun* of *Wariſtoun*, Knight, His Majeſties Advocat, Sir *John Hope* of *Craighall* Knight, Two of the Senators of the Colledge of Iuſtice, *Arthur Erskin* of *Scotiſcraig*, *David Beatoun* of *Creich*, Sir *John Moncreiff* of that ilk Knight, Sir *James Monepenny* of *Pitmelly*, *Walter Dundas* of that ilk, *Maſter George Dundas* of *Dudingſtoun*, Mr. *James Reid* of *Pitlethie*, *James Weymes* of *Fingask*, *James Sword* citouner of St. *Andros*, Maſter *Robert Douglas*, Maſter *John Smyth*, Maſter *James Hamiltoun* and Maſter *Munes Law*, four of the ordinary Miniſters of *Edinburgh*, Maſter *Robert Blair* and Maſter *Andro Honyman* Miniſters at St. *Andros*, Maſter *David Forret* Miniſter at *Kilconquhair*, Maſter *Robert Trail* Miniſter at *Ellie*. Maſter *Colein Adam* Miniſter at *Auſtruther*, Maſter *Moncreiff* Miniſter at *Kinghorn*, Maſter *Alexander Moncrieff* Miniſter at *Skoony*, Maſter *Fredreck Carmichaell* Miniſter ot *Markinch*, Maſter *Walter Greg* Miniſter at *Balmerino*, Maſter *Andro Bennet* Miniſter at *Creith*, Maſter *James Bruce* Miniſter at *Kingsbarnes*, Maſter *John Duncan* Miniſter at *Culroſs*, Maſter *Gorge Leſly* Miniſter at the *Cannogate* Maſter *James Gutherie* Miniſter at *Lauder*, Maſter *William Dalgleiſch* Miniſter at *Craumond*, or any nine of them as a *quorum*, there being four of them Miniſters, and five of the others forenamed perſons who are not Miniſters As their Commiſsioners in that part, To the effect after ſpecified, With full power and Commiſsion to them or *quorum* foreſaid, To meet, conveen and viſit the ſaid Univerſity and Colledges thereof, At *Edinburgh* upon the Twentieth two day of *January* inſtant, Which is to be the firſt dyet of their meeting (At which time they are to appoint all ſubſequent dyets and places of meeting as they ſhall think expedient) To ſummond and conveen before them All the members of the ſaid Univerſitie, And to diſtribute amongſt the Principalls, Profeſſors, Regents and other members of the ſaid Univerſity, The particular localities of the ſaids Fewmailles, fewfermes, Teynds, teynd duties and annuallrents particularly mentioned in the ſaid mortification, At leaſt ſo much thereof as is neceſſary for making up a Thouſand pound ſterling contained in the mortification (accounting the balls of victuall at the price agreed upon by the Committee appointed by his Majeſty, And allowed by his Majeſty himſelf and Parliament at the ingiving of the report, and paſsing of the ſaid gift, That every one of the ſaid Colledges having their

their own proper locality, Their own rents may be uplifted by their own appointing alſo that the ſaid diſtribution bee made with relation to the preſent caſe and condition of the old Rents, of each of the Colledges, alſo that every Colledge may have by the diviſion there whole old Rents, being conſidered as new as may be alike in victuall and money, Conform to their ſeverall proportions as is ſet down in the ſaid Report. With Power alſo to the ſaid Commiſsioners or *quorum* foreſaid To order the courſe of the ſtudies of the youth and publick profeſsions, And to rectifie what is amiſſe for the better breeding of youth in piety and learning, and advancement of the Publick good of this Kingdom and Church, And to uſe and exerciſe all other things neceſſary in the premiſſes that to the office of Commiſsioners in ſuch caſes of the Law and conſuetude of this Realm are known to pertain, ſiclike and als freely in all reſpects as any others his Majeſties Commiſsioners in ſuch caſes or affaires might have lawfully done at any time by-gone, or in time comming, And this preſent Commiſsion ſhall endure aye, and while the ſamen ſhall bee diſcharged by the Parliament or Convention of Eſtates.

# ACT VII.

## *Act containing the Return of the Estates of Parliament upon the Testimony communicated unto them by the Commissioners of the Generall Assembly, and their concurrance with the same.*

18. *January*, 1649.

THe Estates of Parliament presently conveened, Taking to their most serious consideration, The Seasonable Testimony against Toleration, and the present proceeding of Sectaries and their abettors in *England* in reference to Religion and Government, with an admonition and exhortation to their brethren there from the Commissioners of the Generall Assembly of the Kirk of *Scotland*, communicated unto them by you, And pondring the present, sad and strange condition of affairs in their neighbour Kingdom of *England* represented therein, and in severall other papers come to their knowledge, They do return unto you their hearty thanks, both for your good correspondence (which this Parliament will with all cheerfulnesse entertain) And for your great care and faithfulnesse in giving such necessary and seasonable warnings and testimonies against the dangers of the times on all hands at all occasions, And do heartily concur in the grounds thereof against Toleration and the present proceedings of Sectaries in *England*, in reference to Religion and Government, and in the admonitions and encouragements so fully expreſt in the said paper, and do most willingly adde this our Testimony thereunto, That our Brethren of *England* may be the more moved by the mouth of two witnesses, and especially such as together with them stand and fall, and are covenanted with them for mutuall good, To lay these things to heart, and to abstain from all such sinfull and dangerous courses, and the faithfull not to faint under these afflictions, or to omit any necessary testimony or duty against the corruptions of the time, And because there hath been severall aspersions publisht in printed pamphlets, for the strengthening the hands of these who go on in these sinfull wayes and for discouraging the hearts of these who are suffering under them, Therefore the Estates of Parliament after diligent enquiry at all the Members of this Court upon their publick and solemn oath both concerning themselves and others, Do declare and can assure their Brethren at *England*, that they cannot find that either this Kingdom, or any person thereof had any knowledge of, or accession to the late proceedings of the English Army in relation to the Kings person, or the Houses and restrained members thereof, But are very confident there is no ground for such aspersions, on the other hand, So soon as this Parlia-

Parliament was conveened and constituted, and heard of the present posture of affairs, They being no wayes satisfied with their proceedings and the reasons thereof published to the world, And being convinced of the dangerous consequences thereof and calamities likely to follow thereupon, They did give present instructions to their Commissioners upon many reasons founded on the obligations and declarations made between and by both Kingdoms (of which the matter of fact is fully expressed by in the paper given in by our Comissioners on the sixth of *January* instant, To the speaker of the House of Commons in our name and according to our mind, and herewith communicated to you, to presse a delay of all these procedours against the Kings person, The Princes right of succession, or the fundamentall government of the Kingdom, untill this Kingdom were heard to represent their interest and desires, And in case of their refusall, That they should enter in the name of this Kingdom their discent and protest, That as this Nation is free from all knowledge of, and accession to these designes and practises, So they may be free of all the calamities, miseries and confusions which may follow thereupon to these distracted Kingdoms, And as our constant resolution and earnest desire to preserve inviolably the peace and union between the Kingdoms, will evidently appear to any who will read (besides all our former actions and sufferings for it) our Act of approving the indiction of this present Parliament, & our Act of repealing all past in the last Parliament or Committee of Estates for the late unlawfull Engagement against *England*, And as ye are witnesses of our keeping a solemn day of humiliation, not only for our own sins and miseries, But also for the sins and distresses lying on our dear Brethren and for seeking the Lords directions to us, That wee may know and perform, all the duties which the Lord requires of us at such a time, after such judgments and deliverances on his part, such an acknowledgment & renewed Covenant on our part, not only in relation to our own affairs at home, but also to what may concern Religion, King & Kingdoms, according to the solemn League & Covenant in these united Nations; So We with Gods assistance Declare that it is our constant resolutions, to give all seasonable Testimonies, and doe all necessary duties within our power & calling, for the preservation of the begun Reformation against Toleration of all Religion, and of the fundamental government against Anarchy and confusion, And for continuing and preserving the peace and union between these Kingdoms, and all the bands thereof, so often acknowledged and expressed in their Treaties, especially *one King*, *one Covenant*, *one Religion*, And for the observance of the manifold declarations emitted between and by both Kingdomes to the World, in the positive and necessary duties for pursuance of all the ends of the solemn League and Covenant. And to this effect we are and shall be most ready to deal and interpose in all earnestnesse and sincerity of heart, and by all lawfull and necessary means with all whom it may concern, for setling Truth and Peace in these Kingdoms, upon the grounds and propositions so often agreed

unto

unto, and so long insisted upon by these two Nations, and upon what further shall be found safe and necessary for the removing of these distempers, and preventing new issues of blood, Calamities and Confusions in these Kingdoms, which the Searcher of hearts knoweth to be the earnest desire, and firm resolution of this Court and Kingdom.

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# ACT VIII.

## *The Act of Classes for purging the Judicatories, and other places of publick trust.*

23 *January*, 1649.

AT *Edinburgh* the twenty third day of *January* 1649. years. The Estates of Parliament presently conveened, in this second Session of the second Triennall Parliament, By vertue of an Act of the Committee or Estates, who had power and authority from the last Parliament for conveening the Parliament; Considering, That forsameikle as the late Committee of Estates did in the indiction of the Parliament by their Act of the 27. of *October* last, declare and warn, as after follows, To wit, that whereas the corruption of Judicatories of this Kingdom and Officers of Estate, and others persons in publick trust, have been the cause and fountain from whence our former evil hath proceeded. And whereas by our Solemn Acknowledgment agreed upon by Church and State, We are bound to God, by our Engagement to *England* we are bound to them, and by the forecited and publict Declaration, we are obliged before the World, to indeavour the purgation and reformation of our Judicatories and places of publick trust: And forasmuch as the foresaids Persons, and all who are in publick trust are liable to the judgement and censure of Parliament for their procedure in their severall places and Offices, Likeas by the Agreement at *Edinburgh* and *Striviling* all such as have been imployed in publick place and trust, and have been accessory to the late unlawful Engagement should forbear the exercises of their places in the mean time; and all Questions are referred to the Determination of the Parliament: And whereas by the said Treaty, all these who have been accessory to the said Engagement are challengeable for their said accession, at the least in so far as concerns their places and publick trust, and the debarring of them from any of these. Therefore the Committee of Estates doth hereby warne and cite all and every one of these who exercised any office, place, or publick trust, or who were Members, or Clerks of any publick Iudicatories, of whatsoever degree, quality, or condition soever, in Burgh or land within

in this Kingdom, and hath been acceſſory to the late Engagement, or are guilty of the faults mentioned in the Printed Acts of the twenty two of *September*, and fourth of *October*, To compeir before the Eſtates of Parliament at *Edinburgh* the 4. day of *Ianuary* next to come in a peaceable way, accompanied onely with their own domeſtick Servants, to hear and ſee the Parliament take ſuch courſe, as they in their Iuſtice and Wiſdom for the good of the Kingdom ſhall think fit, for purging of the Judicatories, and for declaring their places vacand, and filling them with ſuch as are able and qualified perſons, fiteſt for the ſervice, and may give moſt contentment, and as have continued conſtant in the Covenant and Cauſe in the time of tryall, And for debarring them (who are put out) from any publick places, or truſt, during ſuch time, and in ſuch manner, as the Eſtates of Parliament ſhall think fit, With certification to every one of the perſons concerned as is aboveſaid, and warned by this publick Proclamation, (which the Committee of Eſtates declares, That thy finde it a ſufficient intimation in this noture caſe of ſo great and publick a back-ſliding to all perſons concerned therein for the effect foreſaid, to be eſteemed by them equivalent to a perſonall citation, or at their dwelling houſe upon particular ſummonds againſt every one of them) to compeir before the Eſtates of Parliament as is before ſaid and compier not, That then the Eſtates will proceed both to determine the generall queſtion and the particular concerning their places and truſt, and take what farther courſe, they ſhall think fiting for the good of the Kingdom: And forſameikle, as the Eſtates of Parliament being now conveened have ratified the foreſaid Act in all the heads thereof, and by open Proclamation intimate the ſame. Likeas they have made their ſolemn Acknowledgement of the publick ſins and breaches of the Covenant, and their ſolemn Ingagement to al the duties contained therein, namely theſe which do in a more ſpeciall way relate to the dangers of theſe times; And in relation thereto have renewed their Solemn League and Covenant before God: And by their Act of the 16. of *Ianuary* inſtant, have diſclaimed and condemned the late unlawfull Engagement, as contrary to GODS Word, and a manifeſt breach of Covenant and Treaties, as deſtructive to the cauſe and Covenant, to Religion, the King and theſe Kingdoms: And is the cauſe of all the oppreſſions & miſeries that hath followed or may follow thereupon: and therefore, and for many other reaſons, Have annulled and repealed all Acts made by the late Parliament and Committee of Eſtates in proſecution thereof, and have ratified and appproven the Proteſtation in Parliament & oppoſition made thereof by this Kingdom againſt the Authors and Abettors thereafter, and the late Treaty made at *Stirling*, debarring all acceſſory to that unlawfull Engagement from the exerciſe of their places or publick truſt, untill the meeting & determination of this preſent Parliament, unto whom all Civill queſtions are referred: And likewiſe hath confirmed the aſſurance given by the committee unto the Kingdom of *England* that we ſhould not admit any of theſe authors or abettors of the late Engagement to any publick place or truſt

truſt without the conſent of that Kingdom againſt which their Engagement was, as is more fully expreſt in their Anſwer of the 6. of *October* laſt. And whereas the Eſtates of Parliament, are not only ſatisfied of the truth, lawfulneſs and neceſsity of the foreſaid grounds, but alſo are convinced in their conſciences from the Word of God, from the large Treaty between the Kingdoms, and from their Oath of Parliament, from their ſolemn League and Covenant, eſpecially from the 2. 4. and 5. Articles thereof, and from ſad and dear-bought experience, That the Malignant dealing of ſome, and the profane looſe walking of others who have been Members of Iudicatories, and imployed in places of power and publick truſt, hath been a chief cauſe of all the evils both of ſin and puniſhment under which the land now groans; And that the Lord requires in his Word, that thoſe who judge and bear charge among his people ſhould not only be able men, but ſuch as fear God, hate covetouſneſs, and deal truly. And that it is of ſpeciall importance for the remedie of all our evils, and for ſecuring and advancing of Religion & Righteouſneſs, for keeping a right underſtanding between the Kingdoms, and for proſecuting all the ends of the Solemn League and Covenant, and for removing the judgement of God, and preventing or diſappointing all the deſigns and oppoſition of enemies of all ſorts, and for procuring the bleſsing of God upon the whole Land, That men not only of known ability, but alſo of approven integrity and conſtant affection to the Cauſe & good and Chriſtian converſation, be intruſted in all Iudicatories and places of power and truſt, according to the ſeventh deſire of the Commiſsioners of the Church given in to the laſt Parliament, as ſo abſolutely neceſſary for the ſecuring of Religion, which by the Engagers themſelves in the Treaty at *Stirling* is ſubmitted to the Church their determination. Which determination anent the qualifications aforeſaids is clearly ſet down in the 5. 6. 7. 10. and 12. pages of the Acknowledgement and their Declaration emitted to the world.

Therefore the Eſtates of Parliament remembring well the laudable precedents of the Parliaments, 1641. and 1646 and ſeverall others for purgation of the Iudicatories and places of truſt; And conſidering that all perſons both by the common Law, by many Acts of Parliament, and the nature of their place and truſt, are comptable for their proceedings in their ſeverall places and truſt, which they have *ad vitam aut culpam*: And pondering how great a fault it is to have had any hand or acceſsion in the enacting, or in forcing, or proſecuting ſo unlawfull an Engagement, thereby drawing on the Land (ſo far as they could) the wrath of God, and all the miſeries of a War with our Brethren of *England*, againſt Covenant, Treaties, & many warnings from the Kirk, and contrary to the Petitions from many Synods, Presbyteries and Shires, and the ſolemn Proteſtations of ſo great a number of each Eſtate in Parliament: They do in purſuance of their ſolemn Acknowledgment, performance of their vows to God, Declaration emitted to the World, and aſſurance given to the Kingdom of *England*, both in the large

large Treaty, 1641. and late Answer 6. of *October* last, and for satisfying of the Kirks just desires for Purgation and Reformation of our judicatories, and for determination of this question anent places of trust, referred by the Treaty at *Stirling* to their determination, and for deterring all others in this or subsequent generation, who shall be intrusted with publick power or place from drawing on this nation the guiltlesse and misery of inoffensive, unnecessary and unlawfull war, and against Covenant and Treaties, and publick warnings from Church judicatories and Shires, and for incouraging all who shall be in publick place or trust in times of new straits and trials; To abide constantly by the Cause and Covenant, and to give evident testimonies thereunto against all defection and apostacie. The Estates of Parliament upon this and many other great and weighty considerations moving and pressing them to this necessary dutie, Do therefore Declare, Enact and Ordain, that all these Officers of Estate, Members or Clerks of the Parliament, Committees thereof, secret Counsel, Session, Exchequer, Justice courts, Commission for plantation of Kirks, or conservation of the Peace, Sheriff Courts, Stewart Courts, Baillie Courts, Commissar Courts, Bailies of Regalitie Courts, Warden Courts, of his Majesties Mint-house, Admirall Court, Gild Court, Town Counsell, or any other publick Judicatorie, or Deacons of Crafts, and all who had any office, place or publick trust, and all having deputation from, or dependance upon any of these aforesaid, who were guilty of any of the faults contained in the four severall Classes aftermentioned, shall be removed and secluded from publick trust according to the several rules *respective* after following.

*The first Classe.*

The Estates declare all these to be comprehended in the first Classe, who were General Officers, which led & accompanied the Army into *England*; And all those Officers that continued in the Engagement, who commanded the Forces at *Mauchlein moore*, or at *Striviling*, and all those who were principally active in perswading, or bringing over of the Forces from *Ireland*, and all these persons who were plotters, chief actors and prime promoters of the late unlawfull Engagement from the beginning to the end thereof, in Parliament, Committees, or otherwayes: and siclike all these who were chief actors and prime promoters of the horrid Rebellion of *James Grahame*, & who since have either accepted of charge or joyned as voluntiers in the said unlawful Engagement, or taken the Oath in Committees, or Subscribed the Band for themselves or others for the Engagement, or sate in the Committees or other meetings, and gave order for prosecuting the said Engagement, or who otherwayes gave or received, and execute orders against others for prosecuting the Engagement; As also such Clerks of Parliament, Committees thereof, secret Councell or Session, who were guiltie of any of the Faults contained in any of the Classe at St. *Andrews*, and retaining their former Principles of Malignancie, and have

been Active in their places or imployments for promoving the late unlawfull Engagement.

*The second Classe.*

The Estates also Declare all these to be comprehended in the second Classe, who not being included in the first Classe, have been formerly Classed or Censured for Malignancie, or guilty of the crimes contained in the first and second Classe at St. *Andrews* of the date at St. *Andrews* the day of one thousand six hundred and years, And since have either accepted of charge or joyned as voluntiers in the said unlawful Engagement, or taken the Oath in Committees, or subscribed the bond for themselves or others for the Engagement, or sat in Committees or other meetings, and gave order for prosecuting the said Engagement, or who otherwayes gave or received and execute Orders against others for prosecuting the Engagement; And siclike all those persons, alehough not formerly Classed, and not being included in the first Classe, who were Officers which were upon any of the expeditions into *England* or *Scotland* for the said Engagement; And siclike all these who concurred in Petitions, Protestations, Remonstrances or letters, for moving of the Parliament or Committees to carrie on the Engagement; and siclike all these who protest against the cause of the fast, or the Kirks Declarations, or Petitions of the Presbyteries or Kirk-sessions against the Engagement, or read, or caused read at Kirk doors the Committees Observations against the Assemblies Declaration, or interrupted Divine Service, or Magistrates and persons of qualitie, or who removed at the reading of the Assemblies Declaration; siclike all these who not only tooke the Oath injoyned by the last Parliament for the Engagement in Committees, or subscribed the band, or Declared themselves ready to doe the same, but also secluded others, or protest against others for their not taking of the Oath, or not subscribing of the Band; siclike all these who injoyned and pressed others to subscribe the Band, or take the Oath for carrying on the Engagement; And siclike all these who concurred as Members or Clarks in Acts of Parliament and Committee of Estates for prosecuting the said Engagement, or for pressing others thereunto, and such who consulted and gave advice for penning or prosecuting of the process against the honest Ministers who were at *Manchlin moore*, or any others for their opposing or not joyning in the Engagement.

*The third Classe.*

The Estates likewise Declares all these to be comprehended in the the third Classe (who not being included in the first or second Class) sat in Parliament and Committee of Estates, and took the Oaths foresaid for the Engagement, or sat as Clerks in any of these or any other judicatories, and gave no publick testimonie against the said Engagement, carried on therein by their service, or were any way known to have been for the same in their judgement manifested by their expressions and actions; siclike all these persons who have taken the Oath foresaid,

ſaid, or ſubſcribed the Band for the Engagement, or who in Commit-tees of war or other meetings, Town Counſel or other Courts, have refuſed or oppoſed the deſires of any petitions from Shires, Presbyte-ries, Seſſions or other Kirk Iudicatories againſt the Engagement, or concurred in Acts to force the Diſſenters, Petitioners or others to con-cur in the firſt or ſecond leavies, or other acceſsion to the ſaid Engage-ment, or with the Forces under the Earl of *Crauford*, Earl of *Lanerick* and *George Monro*, and ſiclike all ſuch who were either forcers, urgers or ſeducers of others to concur in the ſaid Engagement, or with the forefaid forces: And ſiclike all theſe who except Commiſsions to be Officers, or joyned as voluntiers to the forces under the Duke of *Ham-ilton* or the Earls of *Crauford*, *Lanerick* or *George Monro*, Likeas all per-ſons who in their ſpeeches and actions did evidence their judgements for, and affection to that ſinfull courſe, Or who (in ſuch a time of triall) after ſuch Petitions from the Shires, and ſuch Declarations and warn-ings from the Church, evidencing to all the unlawfulneſſe of the En-gagement againſt Covenant and Treatie) did not give any countenance to the cauſe or teſtimony of their judgement and affection againſt ſuch a defection and dangerous War, when and where they had the oppor-tunitie to doe it with others.

*The fourth Claſſe.*

The Eſtates of Parliament in like manner Declares all theſe to be comprehended in the fourth Claſſe, who being Members of judicato-ries, Clerks and perſons in publick truſt as afore ſaid, are given to un-cleanneſſe, bribery, ſwearing, drunkenneſſe, or deceving, or are other-ways openly profane, and groſly ſcandulous in their converſation, or who neglect the Worſhip of God in their families.

The Eſtates Declares, Enacts and ordains, that all ſuch Officers of Eſtate, Members of any Judicatory, Clerks and others before mention-ed, and all perſons in publick place or truſt, who are guilty of any of the faults before ſpecified, contained in any of the four Claſſes before ſet down, be preſently removed by this Parliament, or ſuch Committees or perſons as ſhalbe by them authoriſed with power to that effect) from their preſent places and Offices, and all other publick truſt mentioned in the Act of Claſſe at St. *Andrews*, or which has deputation from, or de-pendance upon the forenamed Judicatories or officers (without pre-judice of the ſubſcription of them in the mean time for the exercile of their places, conform to the Treaty and former Acts of Committee ratified in Parliament) and that theſe places belonging to them, *ad vi-tam vel culpam* be declared vacant, and filled with other perſons, who are known to be free of theſe faults, and not onely to have ſufficient ability, but alſo who have given reall proof of their conſtant affection to the Cauſe, and a good converſation, and that theſe who hereupon ſhall be removed from their places and offices, are hereby diſcharged from medling thereafter in any exercile, badge or benefit thereof, un-der the pain of confiſcation of their movables, life-rent of their eſtates, impriſonment of their perſons, and of being declared for ever unca-

ble of the meaneſt publick truſt within the Kingdom; Likeas the Eſtates of Parliament, upon the manifold grounds aforeſaid, doth Declare, Enact and Ordain, That none of theſe perſons who are guilty of any of the crimes contained in the firſt Claſſe, ſhall ever be capable of, or admitted to any publick office, place or truſt aforementioned within this Kingdom during all the dayes of their lifetimes; Likeas they Declare, Enact and Ordain, That none of theſe who are guiltie of any of the crimes mentioned in the ſecond Claſſe, ſhall be capable of, or admitted to any publick office, place or truſt aforementioned within this Kingdom for ten years to come. And farther, untill they have given ſufficient evidence of their change of their Malignant principles and practices, and of their firm reſolution and affection to promove the Ends of the Covenant in all times of ſubſequent triall (whereof the Judicatories of the Church and State *reſpective* having power for that effect are to judge impartially, as in GODS ſight) And thereby have given ſatisfaction to the Kirk and to both Kingdoms ſo far wrought by them, according to the aſſurance given on the ſixt of *October* laſt.

Likeas the Eſtates Declare, Enacts and Ordaines, That no perſon who is guilty of any of the faults contained in the third Claſſe (excepting theſe as are after excepted) ſhall be capable of, or admitted to any publick place, office or truſt aforementioned within this Kingdom during five years to come, and farther, untill they have given ſufficient evidence of their change of their Malignant principles and practices, and of their firm reſolution and affection to promove the Ends of the Covenant in all times of ſubſequent triall (whereof the Iudicatories of Church and State *Reſpective* having power for that effect, are to judge impartially as in the ſight of GOD) And thereby have given ſatisfaction to the Kirk and both Kingdoms ſo far wronged by them according to the aſſurance given on the ſixth of *October* laſt.

Excepting theſe who before the time of the promoving of the Ingagement were known to have been honeſt in the Cauſe of God, and not Malignant, and who were known by their carriage to have been againſt the Engagement in their judgement, and did concur in Petitioning, diſſenting, proteſting, or riſing in Armes or otherwayes did bear teſtimony againſt it as they had opportunity, and who not knowing the nature and drift of the Band or Oath for the Engagement, were deceived and enſnared to the ſubſcribing or taking of the ſame, which perſons having the foreſaid qualifications, and giving ſatisfaction to the Kirk, are remitted to the next Seſsion of the Parliement, at which time according to their Repentance and carriage, they may be declared capable of publick places and truſt (ſo far as the Parliament ſhall think them fit.)

Likeas the Eſtates Declares, Enacts and Ordains, That no perſon guilty of any of the faults contained in the fourth Claſſe, ſhall be capable of, or admitted to any publick place or truſt aforementioned within this Kingdom for a yeer to come; And farther, untill they have

have given to the Iudicatories of Church and State, *respective*, sufficient evidence of their change of their profane and scandalous life, and of their firm resolution and constant endeavour for a good and Christian conversation (whereof the Iudicatories of the Church and State shall judge impertially as in Gods sight) And this without derogation to the former Laws made against the same.

Likeas it is hereby declared, That where any persons are excluded by the former Classe from the exercise of their Heretable Offices, That during the time of their seclusion, these places shall be supplied by such Deputes, as the Parliament, Committee of Estates, or others Authorized by Parliament shall appoint to serve therein for the interim.

It is always hereby declared, That this present Act shall not be extended to these Minors who being guilty of any of the faults aforesaid, shall within three moneths after the publication hereof, if they be within the Kingdom, and if they be without the Kingdom, within the same space after their return to the Countrey, Give sufficient evidence to the Iudicatories of Church and State *respectivè*, having power for that effect of their Repentance, and of the change of their Malignant principles and practises, and of their firm resolution and endeavour to promove the Ends of the Covenant in all times of subsequent tryals, and shall behave themselves accordingly unto their majority, and who within six moneths after their majority shall ratifie the same.

It is Declared, That this Act is without prejudice to what further censure the Estates shall think fit to inflict upon these who are guilty of the faults aforesaid, and hath not by their due acceptance the benefit of the Treaty at *Edinburgh* and *Stirling*.

The saids Estates Declares, That they reserve to themselves, the consideration of such persons as may fall under the exception of the third Classe, and what shall be done concerning them in the Committees of War of the severall Shires when the Committees shall be nominate: And the saids Estates Ordains the Act foresaid to be published at the Mercat Crosse of *Edinburgh* by an Herald, having displayed Armes by sound of Trumpet, And thereafter Ordains the same to be Printed.

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*Act*

# ACT IX.

## *Act in favours of the Vniversity of St.* Andrews, *anent the Rents of the Archbishoprick and Priory of St.* Andrews.

25 *January*, 1649.

THE Estates of Parliament, having taken to their consideration a Supplication given in to them by the Commissioners of the Generall Assembly, desiring that the Estates of Parliament would rescind and Declare null, all gifts and ratifications (if any be) granted in prejudice of the University of St. *Andrews* of the excrescence of the Rents of the Archbishoprick and Priory of St. *Andrews* to whatsomever person or persons by and attour the sum of one thousand pounds *sterling*, mortified to the said University by his Majestie, in manner after-specified; And that the Estates of Parliament would declare by their Act, that no gift be passed in time coming of that excrescence to any person or persons whatsomever, but only for pious uses towards the maintenance of the Kirks and University of St. *Andrews*; As also that they would pass an Act that no Rents mortified to Universities, Schools, or any other pious uses, suffer any diminution by whatsomever manner of way in time coming, as the said Supplication bears: And also considering that his Majestie by Act of Parliament dated the fifteenth day of *November* 1641. years, did with advice and consent of the three Estates of Parliament, declare all gifts granted or to be granted by his Majestie to whatsomever person or persons of the Teynds and Teynd-duties of whatsomever nature pertaining to any Bishopricks within this Kingdom should be null, except such as were or should be Acted for pious uses, And excepting such as were granted already by his Majestie to whatsomever person of their own Teynds, they and every one of them always being lyable to the plantation of the Kirks to the full quantity of the Act made thereanent: And also that his Majestie did in the year of God 1642. out of his pious and Christian inclination towards the University of St. *Andrews* found and mortifie in favours of the said Vniversity, the Rents of the late Archbishoprick and Priory of St. *Andrews*, conform to his Majesties Charter of Mortification made thereupon, of the date the fifteenth day of *January* One thousand six hundred and fourty two yeers, reserving to his Majestie the excrescence of the Rents of the said Bishoprick and Pryorie to be disposed upon by his Majestie for pious uses; Therefore the Estates of Parliament

liament to the effect that the Vniversities of this Kingdom, and especially the Vniversitie of St. *Andrews* be no wayes wronged or prejudged, and that no let nor impediment may be for hindering and impeding the full provision of the said Vniversity in all things necessary and expedient for promoving the advancement and flourishing of the same, Do ratifie and approve the foresaid Act of Parliament in that clause thereof, whereby his Majestie did declare by the advise of the saids Estates of Parliament, That the Teynds and Teynd-duties of all and whatsomever Kirks, Parsonage and Vicarrage thereof, and Teynds of whatsomever nature pertaining to the saids Bishopricks should be applied to the maintenance of the Ministry and of the Vniversities and Colledges and other pious uses, and to no other use: And declared all gifts granted or to be granted by his Majestie, to whatsomever person or persons of the foresaids Teynds and Teynd-duties or any part thereof except to the uses foresaid, to be null in the self, Likeas the saids Estates of Parliament by thir presents Declares all gifts granted or to be granted by his Majestie, to whatsomever person or persons of the Rents of the foresaid Archbishoprick and Pryorie of St. *Andrews*, or any part thereof, except to the uses foresaid towards the maintenance of the Kirks and Vniversity of St. *Andrews*, to be null of themselves, and of no force nor effect. And likeways the saids Estates of Parliament decrees and Ordains, That the hail Rents mortified to any Vniversities, Schools, or any other pious uses within this Kingdom, And in speciall the hail Rents of the said Vniversitie of St. *Andrews*, as well pertaining to them of old as of new, mortified to them by the Kings Majestie, shall be uplifted by the Members of the said Vniversity, and their Factors and Chamberlains, according to the valuation of their Teynds already deducted or to be deducted before the Commission for plantation of Kirks and valuation of Teynds, without any diminution thereof, either in quantity or quality or conversion of victuall in money, or any otherways whatsomever: And it is Declared, that notwithstanding of the exception foresaid, it shall be but prejudice of the Vniversity of St. *Andrews* to quarrell any Rights made by his Majestie *prout de jure*, And that this Act is no Approbation thereof.

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ACT

# ACT X.

## *Act ratifying and containing the tenour of the Band for securing the Peace of the Kingdom, and enjoyning the same to be subscribed.*

*26. January 1649.*

THE Estates of Parliament taking to their consideration the Acts and Precepts of the late Committee of Estates, for citing certain persons to give surety for the Peace of the Kingdom, according to the Band presented to them; And that severall persons accordingly were conveened before them, and did give satisfaction thereanent. They do therefore ratifie and approve the saids Acts, Precepts and Bands, and all what hath followed thereupon; and now considering that it is necessary towards the setling and securing of the Peace of the Kingdom, that the like course be prosecute, they do therefore Appoint and Ordain Precepts to be issued out, for citing such persons as were upon the late Engagement, or others as thy shall think expedient, to compeir before them or their Committees, having power for that effect, to give surety and to subscribe the Band and Declaration whereof the tenour followeth. Whereas I

am conveened to finde surety for keeping of the Peace of the Kingdom, Therefore to testifie my ready obedience to that which is so just and reasonable, And to witness my desire to hinder & prevent any danger or disturbance which may arise to this Kingdom, and to clear my resolutions, I Declare, That I do acknowledge, the indiction, meeting and constitution, the lawfulness, freedom, and authority of the Parliament of this Kingdom, conveened on the fourth of *January* One thousand six hundred and fourty nine years; And that I shall not any manner of way call the same in question. And I the said As principall and

as Cautioner and surety for me, faithfully binde and obliges us conjunctly and severally, and our heirs, That I the said

shall neither directly nor indirectly, consult, or act in any thing tending to the deminution of the authority of the said Parliament, or of the Committees of Estates that shall be appointed by them for the publick affairs: And that I shall not rise in Armes, or in any hostile way oppose their procedings, for the prosecution of the Cause and Covenant, or concur with, assist, keep intelligence or correspondence with any invaders of this Kingdom, or risers in Armes within

within the ſame, againſt the foreſaid proceedings of the forementioned Parliament or Committees. And if I ſhall hear or know of any thing which may derogate from, or prejudge them in any ſort, I ſhall as ſoon as I can poſſibly reveal the ſame to ſome of their own number to be communicated to the reſt. And that I ſhall neither by my ſelf, nor others by my knowledge or direction do, or ſuffer any thing to be done that I can let or hinder, which may diſturb the preſent quiet or Peace of this Kingdom, or proceedings of theſe Judidicatories as foreſaid, or which may proſecute the ſaid late Engagement and expedition into *England*, or break the Union betwixt the Kingdoms under the pain of Conſenting theſe preſents be Regiſtrate in the books of Parliament, or of the Committee of Eſtates, that all execution, perſonall and reall may paſs hereupon, which hath been Ordinary in the like caſes, or which the Parliament or Committee ſhall think fit, and to that effect conſtitutes

My *Pro^r. promitten de Rato, &c.*

Likeas, the Eſtates Ordains every Nobleman (being cited) to give the ſurety foreſaid, And to finde Caution under the pain of an hundered thouſand Merks, And every Barron of quality under the pain of fifty thouſand Merks *ad Minimum*, and other perſons according to their ſeverall degrees and ability. With certification, that whoſoever refuſe or fail herein, ſhall be holden and eſtimate as enemies to, and diſturbers of the Peace of the Kingdom; And to be proceeded againſt accordingly, as the Parliament or their Committees ſhall think fit.

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# ACT XI.

## *Act againſt Conſulters with Devils and Familiar Spirits, and againſt Witches and Conſulters with them.*

1. *February* 1649.

THE Eſtates of Parliament now conveened in the ſecond Seſsion of this ſecond Triennall Parliament, Vnderſtanding that there are ſome perſons who conſult with Devils and Familiar Spirits, who notwithſtanding of the 73. Act of Queen *Mary*, Whereby it is ordained, that all Witches, Sorcerers, Necromancers, and Conſulters with them are to be puniſhed by death, do yet dreame to themſelves impunity, becauſe Conſulters are not expreſly mentioned in the ſaid Act, Do therefore for further clearing thereof, Declare and Ordain, that whatſoever perſon or perſons ſhall conſult with Devils or Familiar Spi-

rits are liable to the pains contained in the said Act, and shall be punished by death: And the saids Estates, ratifies and approves all former Acts made against Witches, Sorcerers, Necromancers and Consulters with them, in the whole Heads, Articles and Clauses thereof.

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# ACT XII.

## *Act against Fornication.*

1. *February*, 1649.

THE Estates of Parliament taking in consideration, that the Act made against Fornication in the first Parliament of King *James* the sixth, whereby it is appointed, that ilk person that shall be Convict of Fornication, as well the man as the woman, shall pay for the first Fault, the sum of fourty pounds is become in disuetude in many places of this Kingdom, and rendered ineffectuall, because one and the same penalty is injoyned upon persons of all ranks and quality, by which it comes to pass that the foresaid sin doth exceedingly abound unto the dishonour of GOD, and scandall of the Gospel, Therefore for the better restraining and punishing thereof, It is Statute and Ordained, That whosoever shall hereafter be convict of the sin of Fornication, shall pay for the first Fault, ilk Nobleman four hundreth pounds, ilk Baron and Landed Gentleman two hundred pounds, ilk other Gentleman and Burgess one hundred pounds, ilk Farmer twenty five pounds, every other person of inferior quality ten pounds; And that these penalties shall be doubled *toties quoties* according to the relapses, and the degrees of the offence and quality of the offenders; And that the saids penalties shall be exacted not onely of the man, but also of the woman according to her quality, and the degree of her offence, the one without prejudice of the other; And be delivered to the Kirk Session of the Parochine where the offender lives, to be imployed by them upon pious uses: And the Estates of Parliament doth ratifie the foresaid Act of the first Parliament of King *James* the sixth in all the other Heads and Clauses thereof, Declaring always, that these things shall be without prejudice of the Censures of the Kirk.

ACT

# ACT XIII.

## *Act of Maintenance of the moneth of* February.

3. *February* 1649.

THE Eſtates of Parliament, now preſently conveened in this ſecond Seſsion of the ſecond Triennall Parliament by vertue of an Act of the Committee of Eſtates, who had power and Authority from the laſt Parliament for conveening the Parliament, Conſidering the dangers now threatening Religion, the Covenant, and the peace of theſe Kingdoms, And that they are thereby neceſſitate to keep up the Forces within this Kingdom, and to provide for their entertainment; Have therefore thought fit to prorogate and continue the monethly Maintenance, as it was impoſed upon the ſaid Kingdom, by vertue of an Act of the Committee of Eſtates of the 3. of *November* laſt by-paſt 1648. years, for one moneth after the moneth of *January* contained in the former Act. Whilk moneth ſhall begin upon the firſt day of *February* inſtant, and continue till the firſt day of *March* next to come, with a deduction of the juſt third part of the ſaid monethly Maintenance, whilk was formerly eſtabliſhed, Save that the ſaids Shires and Burghs ſhall be onely lyable in payment of the two part of the Maintenance formerly impoſed upon them for the ſaid moneth of *February*, Whilk two part ſhall be payed by them without any deduction or defalcation: And therefore Statutes and Ordains, That ilk Burgh and Shire within this Kingdom, are and ſhall be liable, and obliged in payment of the particular ſums of money underwritten for the ſaid moneth of *February*, And that betwixt and the 15. day of *February* inſtant, And Ordains the ſame to be payed, to Sir *James Stewart*, Proveſt of *Edinburgh*, Treaſurer of the Army, and Collector-Generall of the ſaid Maintenance, or his Deputies, or ſub-Collectors: And that the ſums to be paid by the ſeverall Shires and Burghs, be as follows: *viz.*

The Sheriffdom of *Orkney* of monethly pay, 1143. Merks. *Innernes* 4176. M. *Caithnes* 945. M. *Cromartie* 99. M. *Sutherland* 423. M. *Nairne* 315. M. *Elgine* 1890. M. *Aberdeen* 6543. M. *Bamff* 1431. M. *Kincairdin* 1566. M. *Forfar* 5004. M. *Perth* 8001. M. *Fyfe* 6642. M. *Stirling* 2538. m. *Kinroſe* 144. m. *Clackmannan* 522. m. *Edinburgh* 4167. m. *Linlithgow* 1746. m. *Hadingtoun* 3384. m. *Berwick* 3555. m. *Roxburgh* 5778. m. *Selkirk* 1278. m. *Peebles* 1638. m. *Lanerk* 5382. m. *Air* 6066. m. *Wigtoun* and *Kirkcudbright* 4374. m. *Dumfreis* 4446. m. *Renfrew* 2205. m. *Dumbartan* 1233. m. *Argyle* 2907. m. *Bute* 459. m. Follows the ſums

payable monethly by the Burghs, conform to their taxt Roll: viz. *Edinburgh* 5175.m. *Perth* 810.m. *Dundee* 1200.m. *Aberdeen* 1260.m. *Stirling* 240.m. *Linlithgow* 324. m. St. *Andrews* 780. m. *Glaſgow* 1530.m. *Air* 342.m. *Hadingtoun* 324.m. *Dayſert* 270.m. *Kirkaldie* 600.m. *Monroſe* 324.m. *Cowpar* 216.m. *Anſtruther* eiſter 180. m. *Dumfreis* 270.m. *Innernes* 450. m. *Breichen* 220. m. *Irving* 252.m. *Elgine* 135. m. *Iedburgh* 126. m. *Kircudbright* 180.m. *Wigtoun* 135. m. *Pittinweyme* 120.m. *Dumfirmling* 162.m. *Dumbartan* 162.m. *Renfrew* 90. m. *Lanerk* 162. m. *Aberbruthok* 81.m. *Bruntiland* 216.m. *Peibles* 108.m. *Craill* 216. m. *Kingborne* 108.m. *Taine* 90. m. *Selkirk* 126. m. *Anſtruther* weſter 54.m. *Culroſe* 90.m. *Dumbar* 180. m. *Bamff* 72.m. *Whithorne* 45. m. *Forfar* 27. m. *Rothesay* 60.m. *Forreſs* 54. m. *Rutherglen* 45. m. *North-berwick* 36.m. *Cullein* 27. m. *Nairne* 36. m. *Lawder* 45. m. *Innerkeithing* 90. m. *Kilrynnie* 27. m. *Annan* 30. m. *Lochmaben* 18. m. *Sanquhair* 27..m. *Galloway* 18.m. *Dingwall* 18.m. *Queensferrie* 108. m. *Dornoch* 18.m. For the better in-bringing and Collecting whereof, the ſaids Eſtates of Parliament, allows to the ſaid Sir *James Stewart* Deputies, one or more in each Shire and Paroch, in manner contained in the Act for the Taxt and Loan; Which Collectors and Deputies foreſaids and Clerks to be appointed by him, ſhall have ſuch Fee as is allowed in the Act of Loan and Taxt: The Burghs always being free of the aforeſaids Fees. And the Eſtates Ordains that the Letters and Charges to follow upon this Act for payment of the foreſaid Maintenance, ſhall be raiſed and direct at the inſtance of the ſaid Sir *James Stewart* and Collectors aforeſaid, againſt the ſub-Collectors of Shires, Magiſtrates of Burghs, Collectors of Paroches, Heritors, Fewers, Liferenters, and others indebted in payment of their ſeveral proportions of this monethly Maintenance now impoſed, And with power to the ſaid Sir *James Stewart*, that if any Shire or Burgh be deficient in payment of their parts of this Maintenance, to imploy any Forces that ſhal happen to be upon the bounds for the time, or in the next neigbouring bounds adjacent thereto, for uplifting of the ſaid monehs Maintenance from the deficient Shires, Burghs and Paroches, which Troops are to receive their intertainment from the deficients at the ordinary rates beſide the payment of their maintenance: And it is hereby Ordained that the Committees of War within the ſeverall Shires ſhall be aiding and aſſiſting the ſaid Generall Commiſſary herein, for inbringing of the ſaid maintenance; and in regard of the prorogating of the foreſaid Maintenance on the Shires and Burghs for the ſaid moneth of *February*, It is Statute and ordained by the Eſtates of Parliament, that every debtour ſhall have Retention from the Creditors of one of each eight payable for annual Rent for the ſaid moneth above ſpecified, So that the debtor ſhall be lyable in payment of ſeven of annual Rent of each hundreth of ſtock proportionally according to the ſaid moneth, With this proviſion always, that no debtor whatſoever ſhall have the foreſaid benefit of Retention who ſhall

not

not pay his annual-Rent to the Creditor within the ſpace of an yeer after that one preceding years annual Rent is fully reſting, owing, unpaid: And in regard of the preſent diſtreſſed condition of the Sheriffdoms of *Argyle* and *Bute*, The Eſtates do exeem the whole Sheriffdom of *Argyle* from all payment of the foreſaid one moneths maintenance of *February* inſtant; As alſo exeems the Sheriffdom of *Bute*, from all payment of the equall-half of the ſaid moneths Maintenance; And Ordains the ſame Shire of *Bute*, to be only liable in payment of the other half of the ſaid moneths Maintenance; And to be proportionably paid by the Heretors and others lyable in payment thereof through the whole Shire of *Bute*: As alſo the Eſtates declares this preſent Act to be without prejudice of that Act granted in favours of the Town of *Innernes* of the fift of *January* 1647. years, That any Taxations or Impoſitions to be laid on that Town be allowed to them in part of their loſſes, conform to the tenour of that Act: And Laſtly, it is Ordained that no ſuſpenſion be granted without conſignation; And that all Heritors within Burghs, Pendicles and Liberties thereof ſhall contribute with them for payment of the Maintenance, as is mentioned in the Act of the 27. of *February* 1645. years. And the ſaids Eſtates Ordains, that the Lands and Teynds ſhall pay the foreſaid Maintenance, as they lie locally in Shires and Burghs, conform to the former Act of Maintenance; And it is hereby Declared, that this Act is to be without prejudice of the Priviledges of the Lords of Seſsion, conform to former Acts of Maintenance: And Ordains the ſame preſently to be Proclaimed, And thereafter Printed.

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# ACT XIV.

## *Proclamation of CHARLES the Second, King of great* Britain, France *and* Ireland.

## GOD ſave the KING.

*5. February, 1649.*

THE Eſtates of Parliament preſently conveened in this ſecond Seſsion of the ſecond Triennall Parliament, by vertue of an Act of the Committee of Eſtates, who had Power and Authority from the laſt liament for conveening the Parliament, conſidering, That foraſmuch as the Kings Majeſtie who lately Reigned, is contrary to the Diſſent and Proteſtation of this Kingdom now removed by a violent Death; And that by the LORDS Bleſsing there is left unto us a Righteous Heir, and Lawfull Succeſſour, CHARLES Prince of *Scotland* and *Wales*, now King of Great

Great *Britain*, *France* and *Ireland*; We the Estates of Parliament of the Kingdom of *Scotland*, do therefore most Unanimously and Cheerfully in Recognisance and acknowledgement of His Just Right, Title, and Sucaelsion to the Crown of these Kingdoms; hereby Proclaim and Declare to all the World; That the said Lord and Prince *Charles* is by the Providence of G O D and by the Lawfull Right of undoubted Succession and Discent, King of Great *Britain*, *France* and *Ireland*, whom all the Subjects of this Kingdom are bound Humbly and Faithfully to Obey, Maintain and Defend according to the National Covenant, and the solemn League and Covenant betwixt the Kingdoms, with their Lives and Goods against all deadly, as their onely Righteous Soveraign, Lord and King; And becaus His Majestie is bound by the Law of G O D, and Fundamentall Laws of this Kingdom to, Rule in Righteousnesse and Equity for the Honour of G O D, the good of Religion, and the Wealth of His People: it is hereby Declared, That before He be admtted to the exercise of His Royall Power, He shall give Satisfaction to this Kingdom in these things that concern the Security of Religion, the Union betwixt the Kingdoms, and the Good and Peace of this Kingdom, according to the Nationall Covenant, and the solemn League and Covenant, for the which end we are resolved with all possible expedition to make our humble and earnest Addresses to His Majestie; For the Testification of all which; We the Parliament of the Kingdom of *Scotland*, Publish this our due Acknowledgement of His just Right, Title, and Succesion to the Crown of these Kingdoms, at the Mercat Crosse of *Edinburgh*, with all usuall Solemnities in the like Cases, and Ordains His Royall Name, Portract and Seal to be used in the publick writings and judicatories of the Kingdom, and in the Mint-house, aswas usually done to his Royall Predecessors, and Command this Act to be Proclaimed at all the Mercat Crosses of the Royall Burghs within this Kingdom, and to be Printed, that none may pretend Ignorance thereof.

God save, King *Charles*, the Second.

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ACT

# ACT XV.

## *Act anent ſecuring of the Covenant, Religion, and peace of the Kingdom.*

*7. February* 1649.

THE Eſtates of Parliament, Taking to their moſt ſerious conſideration the unhappy differences between their late Soveraign and theſe Kingdoms, cauſed by the evil counſells about him, unto the great prejudice of Religion, and long diſturbance of the peace of theſe Kingdoms: As likeways the manifold Acts of Parliament and fundamentall conſtitution of this Kingdom anent the Kings Oath at his Coronation, which judging it neceſſary, that the Prince and the People be of one perfect Religion, appointeth that all Kings and Princes who ſhall Reign or bear Rule over this Realm, ſhall at their Coronation or receipt of their Princely Authority, ſolemnly ſwear to obſerve in their own perſons, and to preſerve the Religion as it is preſently eſtabliſhed and profeſſed, And rule the people committed to their charge according to the will of God revealed in his Word, and the loveable conſtitutions received within this Kingdom, And do ſundry other things which are more fully expreſſed therein, And withall pondering there manifold ſolemn Obligations, to endeavour the ſecuring of Religion, and the Covenant before and above all worldly intereſts: Therefore they do Enact, Ordain and Declare, That before the Kings Majeſtie who now is, or any of his Succeſſours ſhall be admitted to the exerciſe of his Royall Power, he ſhall by and attour the forefaid Oath aſſure and declare by his Solemn Oath under his Hand and Seal, his allowance of the Nationall Covenant, and of the ſolemn League and Covenant, and Obligation to proſecute the ends thereof in his ſtation and calling; And that he ſhall for himſelf and his Succeſſours, conſent and agree to Acts of Parliament, enjoyning the Solemn League and Covenant, and fully eſtabliſhing Presbyterian Government, the Directory of Worſhip, Confeſsion of Faith and Catechiſms, as they are approven by the Generall Aſſembly of this Kirk and Parliament of this Kingdom in all his Majeſties Dominions, And that he ſhall obſerve theſe in his own practiſe and Family, And that he ſhall never make oppoſition to any of theſe, or endeavour any change thereof.

It is alſo Declared, Enacted, and Ordained, that before the King who now is be admitted to the exerciſe of his Royall power, he ſhall leave all Counſell and Counſellors prejudiciall to Religion, and to the Nationall Covenant, and to the Solemn League and Covenant,

And

And give ſatisfaction to the Parliament of this Kingdom, as it is now conſtitute in what further ſhall be found neceſſary for the ſetling of a happy and durable Peace, preſervation of the Union between the Kingdoms, and for the good of the Crown, and for his own Honour and Happineſs; And ſhall conſent and agree that all matters Civill be determined by the Parliaments of this Kingdom, and all Eccleſiaſtick matters by the Generall Aſſembly of this Kirk, For the which ends the Eſtates of Parliament are reſolved to make their humble and earneſt addreſſes to his Majeſtie with all poſſible expedition, All which they finde themſelves bound to proſecute, and reſolves not to recede therefrom, but to ſee the ſame really performed.

Likeas, the Eſtates of Parliament diſcharges all the Lieges and Subjects of this Kingdom to procure or receive from his Majeſtie any Commiſsions, Patents, Honours, Offices or gifts whatſomever, untill his Majeſtie give ſatisfaction as ſaid is, under the pain of being Cenſured in their perſons and eſtates, as the Parliament, or any having power from them ſhall judge fitting.

And if any ſuch Commiſsions, Patents, Honours, Offices or gifts ſhall be procured or received by any of the Subjects of this Kingdom before ſuch ſatisfaction; The Parliament Declares and Ordains all ſuch Commiſsions, Patents, Honours, Offices or gifts, and all that ſhall follow thereupon, To be void and null.

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# ACT XVI.

## *Act anent the Catechiſmes, Confeſsion of Faith, and ratifying thereof.*

7. *February* 1649.

THE Eſtates of Parliament now preſently conveened in this ſecond Seſsion of the ſecond Triennall Parliament, by vertue of an Act of the Committee of Eſtates, who had power and Authority from the laſt Parliament for conveening the Parliament, Having ſeriouſly conſidedered the Catechiſmes, *viz.* The Larger and Shorter ones, with the Confeſsion of Faith, with three Acts of Approbation thereof by the Commiſsioners of the Generall Aſſembly, preſented unto them by the Commiſsioners of the ſaid Generall Aſſembly, Do ratifie and approve the ſaids Catechiſms, Confeſsion of Faith, and Acts of Approbation of the ſame, produced as ſaid is, and Ordains them to be recorded, publiſhed and practiſed.

ACT

# ACT XVII.

## *Act for information of the Lieges, anent the securing the Peace of the Kingdom.*

10. *February*, 1649.

THE Estates of Parliament now presently conveened, Taking to their serious consideration, how cunning some are to coyn, and others bold to vent; and a third sort weak and simple to believe lies and calumnies against their proceedings, even whilst they are doing their best for the good of Religion, the Honour and Happiness of the King, the preservation of the welfare and peace of this Kingdome, And of all the bonds of Union betwixt the Kingdoms. And being informed that some false rumours are spread as if they had intended to sease upon the persons of those that had been active in the late unlawfull engagement, which hath been but invented and vented by malignant spirits, to make men out of such apprehensions to quit their houses and families, and to draw together with other discontented persons to cast the peace of the country loose, and to weaken the hands of the Parliament, In the prosecuting of the ends of the Covenant, and of their duties for Religion, King and Kingdomes. And considering the late Act of Parliament of the date the twenty sixt of *January* last, containing the band for securing of the peace of the Kingdom, and ane other Act of the date the fift day of *February* instant, Proclaming *Charles* the second King of Great *Brittain*, *France* and *Ireland*, &c. They doe Inact, Ordain, and Declare for the satisfaction and security of all the Leiges, That they have no such intention or resolution to prejudge the Freedome of any mans person, who offers himselfe, or doth when required, subscribe, and find surety for the peace of the Kingdom, according to the foresaid Band: And doth testifie his allowance of the foresaid Proclamation concerning the King His Majesty who now is; and to the effect it may be known who are willing to doe the same, and who refuses, The Estates of Parliament ordaineth that the new Committees of Warre in the severall Shires, and Magistrates in Burghs, To call before them all such persons as were active in the late ingagement, and any other disaffected persons known to them, To subscribe and finde surety according to the said Band, And to testifie their allowance of the said Proclamation, with certification contained in the Act anent the Band, And that these on this side of *Tay* give an account of their exact diligence hereof to the Parliament or Commttee of Estates betwixt and the fifteenth day of *March*, And these on the other side of *Tay*, betwixt and the first day of *Aprill*. And Ordains this to be Proclaimed at the Mercat Crosse of *Edinburgh*, and thereafter to be Printed.

# ACT XVIII.

## *Act against remissions for Capitall crimes.*

13. *February* 1649.

THE Estates of Parliament now conveened in the second Session of this second Triennall Parliament, considering the exceeding great abuse that hath creeped in by granting remissions or respits to persons guilty of crimes, which are ordained to be punished by death, both by the Law of God, and Law or practique of this Kingdom. By which remissions and respits, Gods Law is presumptuously dispensed with, the Law and practique of the Land made useless, the whole Land polluted with sin, a door opened unto the committing of many hainous crimes without fear through hope of impunity, and the Lord provoked in his wrath to plague the Land, and to do justice upon the inhabitants thereof, because of the neglect of the Magistrate herein; Do therefore Statute and Ordain, that no remission or respite shal hereafter be given or pass in favours of any person or persons that are punishable by death both by the Law of God, and by the Law or practique of this Kingdom: And that if any remission or respit shall be purchased and obtained by any such person, or in their favours, The same is hereby declared null and of no effect, and that the saids persons notwithstanding of the said remission or respite, shall be proceeded against and punished by death, according to the Law and practique of the Land: And Ordains the Justice-Generall and his Deputies, and all others, having power in criminalls, accordingly to proceed and do justice, notwithstanding of any such remissions or respits. And Ordains his Majesties Advocate and others having interest to intend and prosecute pursuits to the finall decision of the same, against the contraveeners of the Act foresaid.

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ACT

# ACT XIX.

## *Act anent the severall degrees of casuall homicide.*

13. *February* 1649.

THE Estates of Parliament for removing of all questions and doubts that may arise hereafter in criminall pursuits for slaughter, Statutes and Ordains, that the cases of homicide after following, *viz.* casuall homicide, homicide in lawfull defence, and homicide committed upon theeves or robbers, breaking houses in the night, or in case of masterfull depredation, or in the pursuit of denounced or declared Rebels for criminall causes, or of such who assist and defend the Rebels by Armes, and by force oppose the pursuit and apprehending of them, whilk shall happen to fall out in any time coming, nor any of them shall not be punished by death, And that notwithstanding of any Laws or Acts of Parliament, or any practique made heretofore or observed in punishing of slaughter: But that the man-slayer in any of the cases aforesaid, be asoilyed from any criminall pursuit pursued against him for his life for the said slaughter before any Judge criminall within this Kingdom, Providing always, that in the case of homicide casuall, and of homicide in defence, notwithstanding that the man-slayer is by this Act free from Capitall punishment, yet it shall be leasome to the chief Justice Court, with advice of the Counsell to Fine him in his means to the use of the defuncts Wife and Bairns of neerest of kin, or to imprison him.

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# ACT XX.

## *Act against Swearing, Drunkennesse, Scolding and other Prophanities.*

13. *February* 1649.

THE Estates of Parliament considering, that notwithstanding the laudable and pious Act made at *Perth* the 7. of *August* 1645. against Swearing, Drunkennesse, and mocking of Piety, These vices do still continue and encrease in the Land, unto the great dishonour of God, and scandall of the Gospel, Do therefore for remedie thereof renew the said Act with the alteration and addition following *viz.* That whosoever shall be found culpable of any one or other of the vices mentioned in the said Act by any Civill or Ecclesiasticall Ju-

dicatory, whereunto they are subject, shall even after the first conviction before either of the saids Judicatories be liable unto the severall respective penalties mentioned in the said Act, And Ordained the Act foresaid to have full force, strength and effect in all the other clauses thereof: And farther Ordains the said Act to be extended and executed against scolders, filthy speakers, and makers or singers of Bawdie songs, and they made liable to the respective penalties contained therein, according to the quality of the offenders, even after the first conviction as said is, And as for those who after the fourth conviction of any one of the saids faults, do not yet amend, but prove incorrigible, the conviction being represented by the Session or Presbyrie to the Magistrate of the Paroch appointed for lifting the penalties, or Sheriff of the Shire, Lords of secret Counsell, or Magistrate of Burgh; The Estates Ordains the saids incorrigible persons to be put in prison, there to remain aye and while they finde caution of their good behaviour in all time coming, under the pain of four hundred pounds to ilk Nobleman, to ilk Baron four hundred Merks, ilk Gentleman, Heretor and Burgess two hundred Merks, ilk Yeoman fourty pounds, ilk servant twenty pounds to be imployed on pious uses. And because healthing and scolding is the occasion of much drunkennesse, Therefore the Estates of Parliament extend this Act and the said Act at *Perth* and the respective penalties therein contained against all those who under whatsoever name, or by whatsomever gesture, drink, healths or scolls and motion the same, and urge others thereunto; And it is declared that the executing of this Act shall be beside and without prejudice of the Kirk Censure.

# ACT XXI.

## *Act anent mortifications and dotations to Hospitals and other pious uses.*

13. *February*, 1649.

THE Estates of Parliament, considering that Mortifications and Dotations to Hospitals and other uses of the poor within this Kingdom have been much wronged and diminished in divers places of this Kingdom, through the conversion of the victuall dotted and mortified to the saids Hospitals, or to other uses of the poor in money: whereby the Rents and means of sustenance of the said poor people through the ignorance of the present granters of the said conversion, have been much impoverished and diminished, by taking a little sum of money for the Boll of victuall

victuall mortified as said is: And seeing the granters of the saids conversions, had no power to dilapidate the said Mortifications in prejudice of their Successors; And to the effect that remeid may be had thereof, Therefore the Estates of Parliament Statutes and Ordains, that all conversions of victuall in money of any Rents doted and mortified to Hospitals, or to any other uses of the poor, shall be reduced to the old Foundation: And that the Heritors and possessors of the lands, subject in and liable to the payment of any doted or mortified victuall, shall yeerly in all time coming, make payment of the Bolls of victuall themselves to the uses foresaid: And that the Act of prescription made in *anno* 1617. shall be no ground of a defence against the actions to be pursued for reducing of the said conversion to the first foundation, but that notwithstanding thereof that the saids conversions be annulled and reduced, It is always provided, that if the party defender against whom the said action of reduction shall be pursued, either himself or his predecessors to whom he hath succeeded as Heir, have acquired the heritable right of the Lands subject in and liable to the payment of the foresaid mortified victual at any time within these fourty yeers last bypast, in respect he or his Predecessors hath payed the price of the lands in relation to the said conversion that then and in that case the decreet of reduction of the conversion shall onely be extended to the just and equall half of the Bolls of victuall contained in the first dotation and mortification, whilk the Heretors and Possessors shall be obliged to pay in all time coming to the uses foresaid, But if the defender in the said reduction be Heir by progress or successor *titulo lucrativo* to the first receiver of the conversion, Then and in that case it is Statute and Ordained that the conversion shall be reduced to the first foundation *in totum*; And that the hail Bolls of victuall mentioned in the first dotation shall be payable by him and his Successors in the saids Lands to the uses foresaids in all time coming, It is also provided that this present Act shall onely be extended *ad futura* for payment in time coming of the doted and mortified victuall in manner as said is: Likeas it is Statute and Ordained that no victuall mortified to any Colledges or any other pious uses shall be converted in money, in any time coming by any Writs to be made, except from yeer to yeer, as the parties shall agree; And if any sick conversion shall be made, the Estates of Parliament by these presents, declares the same null, and of no force. And Ordains the foresaids actions of reduction for the foresaid convertion, to be pursued at the instance of the Procurator for the Kirk.

ACT

# ACT XXII.

## *Act against Clandestine Marriages.*

3. *February* 1649.

THE Estates of Parliament considering how necessary it is that no Marriage be celebrate but according to the laudable order and constitution of this Kirk and by such persons as are by the Authority of this Kirk warranted to Celebrate the same; And that notwithstanding hereof sundry, either out of disaffection to the Religion presently professed in this Kingdom, or being desirous to eschew the Censures of this Kirk or to satisfie their promise of marriage formerly made to others, or to decline the concurrence and consent of their Parents or others having interest, or out of some other unlawfull pretext do procure themselves to be married, And are married either in a Clendistine way contrary to the established Order of the Kirk, or by Iesuits, Priests, deposed or suspended Ministers, or any other not authorized by this Kirk, Do therefore Statute and Ordain, that whatsoever person or persons shall hereafter marry or procure themselves to be married in a Clandestine and inorderly way, or by Iesuits, Priests, or any other not authorized by this Kirk, That they shall be imprisoned for three moneths, and besides their said imprisonment shall pay, ilk Nobleman five thousand pounds, ilk Baron and Landed Gentleman five thousand Merks, ilk Gentleman and Burgess one thousand pounds, ilk other person five hundred merks, and that they shall remain in prison ay and while they make payment of these respective penalties abovementioned, which are hereby Ordained to be applyed to pious uses within the severall Paroches, where the saids Persons dwells, and that the Celebrater of such marriages be banished the Kingdom, never to return therein under the pain of death. Likeas the Estates ratifies 8. Act of the Parliament 1641. made against these parties who go to *England* or *Ireland* and marries there, without Proclamation of Bands in this Countrey, and against the Order and constitution of the Kirk thereof, with this addition, that the Contraveeners shall be liable to the respective pecuniall and corporall pains mentioned in this Act: And that the pecuniall pains shall be applied to pious uses, And Ordains the Procurator for the Kirk to pursue before the civill Iudge the fulfilling of this, and Ordinance for the Corporal and pecuniall pains abovementioned, but prejudice alwayes to the Kirk to proceed with their Censures against such offences.

ACT

# ACT XXIII.

## *Act against scandalous persons.*

13. *February*, 1649.

THE Estates of Parliament, considering that notwithstanding of the Act made at *Perth* in the year of 1645. concerning one or moe to exact the penalties and inflict corporall pains against scandalous offences that are not capitall, yet the same is ineffectuall because the persons nominate for that purpose either will not accept of that imployment as are negligent therein, or will not exact these penalties nor inflict these pains without a new civill process, Therefore they do renew the former Act at *Perth* in all the heads and clauses thereof, And do further Statute and Ordain, that whatsoever person or persons shall be nominate and chosen for these imployments after the manner contained in the said Act, or by the Lords of secret Counsell upon recommendation of the Presbyterie or Session if they shall refuse to accept of the said imployment, That Letters of horning upon the desire of Presbyterie or Kirk Session shall be given out against them for charging them to accept thereof: And it is also Ordained that these persons that shall accept of the said imployment shall upon the desire of the Session, sit with them, And upon the hearing of scandalous offenders convict before them by proof or confession, or upon the sight of the processe of the Kirk Session, subscribed under the Minister and two Elders hands, when they themselves cannot be present, that they shall without any new civill process exact the penalties contained in the Acts of Parliament, and deliver them to the Kirk Session, and inflict the corporall punishments, as is provided in the Acts of Parliament, And it is also Ordained, that any of these persons who shall be processed by the Session or Presbyterie for their negligence in these duties, shall upon complaint made and verified against them by the Session or Presbyterie, before the Lords of secret Counsell be fined or imprisoned by the saids Lords, not exceeding the quadruple of the penaltie; And that this Act shall be extended in the severall heads and clauses thereof, To Magistrates in Burgh as well as Landward; And because it is needfull that the person or persons who shall be chosen to these imployments have inferiour servants and officers for exacting the penalties and inflicting the Corporall punishments provided in the Acts of Parliament, Therefore it is Statute and Ordained, that the tenth part of ilk penalty shall be given at the sight of the saids persons, unto the saids inferiour servants & officers for recompence of their pains in every Landward Congregation.

ACT

# ACT XXIV.

## *Act against going of Mylnes, Kills, Salt-pans, or Fishing on the Lords-day.*

13. *February* 1649.

THE Estates of Parliament, considering that notwithstanding of former Acts of Parliament made against going of Mylnes and Salt-pans, and against Salmond-Fishing and other servile work on the Lords-day, yet the Sabbath is in many places of the Kingdom prophaned by doing of these works in the morning or evening of the Lords-day, do therefore Statute and Ordain, That whosoever shall work in Corn, or walk Mylnes, dry in Kills, work in Salt-pans, or in fishing to be accessory thereto, or any other unnecessary work betwixt midnight and midnight on the Lords-day, shall be liable to the penalty contained in the respective Acts of Parliament, made against Prophaners of the Sabbath.

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# ACT XXV.

## *Act of Posture.*

15. *February* 1649.

THE Estates of Parliament, now presently conveened in this second Session of the second Triennall Parliament by vertue of an Act of the Committee of Estates, who had power and Authority from the last Parliament for conveening the Parliament, Considering that it hath been the ordinary practise of former Parliaments, and especially since the beginning of these troubles, to put the Kingdom in a Posture of Defence, for preventing all dangers from Forraign invasion, or Intestine insurrection: And finding themselves obliged according to the trust reposed in them, to preserve the Peace of the Kingdom from all the evils and practises of such as labour to subvert Religion and Government, and disturb the peace of the Kingdom, They have therefore resolved (the better to keep his Majesties Subjects in a dutifull obedience to the Laws and publick Judicatories, and in a Christian unity among themselves)

ſelves) That this Kingdom be preſently put in a Poſture of Defence; And for the better and more ſpeedy effectuating thereof, They have nominated and appointed, and hereby nominates and appoints the perſons underwritten, To be Colonels or Commanders of Horſe and Foot within the ſeverall Sheriffdoms, and bounds thereof, as well to Burgh as Landward *reſpectivè*, *viz.* For the Sheriffdom of *Edinburgh* principall to Landward, The Lord Balmerino or his ſon, the Lord Torphechin, the Laird of Riccardtoun Craig, the Laird of Niddrie, the Laird of Ingliſtoun, the Laird of Libertoun. For the Conſtabularie of Hadingtoun, the Laird of Wauchton, the Laird of Ormeſtoun, the Laird of Smeton Hepburne. For the Sheriffdom of Peibles, the Earl of Tweddell, the Laird of Glen younger. For the Sheriffdom of Berwick, and Bailliarie of Lauderdail, the Lairds of Wedderburn elder and younger, the Laird of Swynton younger, the Laird of Blacader. For the Sheriffdom of Roxburgh, and the Lord Bucleughs part of Dumfreis, which he had in *Anno* 1643. The Earl of Lothian, the Earl of Bucleugh, the Laird of Greenheid. For the Sheriffdom of Selkirk, *Walter Scot* of Whitſlaid. For the Sheriffdom of Lanerk, the Earl of Angus, ſir *Walter Stewart* of Allantoun, ſir *William Carmichael*, the Laird of Preſtoun. For the reſt of the Sheriffdom of Dumfreis, *Mouſwall*, *Craigdarroch*. For the Shire of Fife and Kintoſhire, the Earl of Kincairdin, the Lord Elcho, the Lord Burghlie or his Son Scottiſcraig, Sir *James Lumſden*, the Laird of Fairny, Sir *James Hacket*, ſir *William Dowglas*. For the Shire of Forfar, the Lord Brechine, the Laird of Edzell, the Laird of Tiline, the Laird of Brigton. For the Shire of Perth, the Lord Cowpar, the Laird of Freeland, ſir *John Brown*, the Laird of Glenegeis, ſir *George Preſtoun*. For the Shires of Stirling and Clackmannan, The Laird of Buchanan, Sir *Charles Erskine*, ſir *William Bruce*. For Linlithgow Shire, the Lord Torphechin, the Laird of Dundas younger, the Laird of Hilderſtoun. For the Shires of Argyle and Dumbartan, with the Iſles (except the *Lewis*) and *Moidirt*, *Ruoydert*, *Aſtert* and *Lochaber*, the Marquis of Argyle, the Laird of Maccleud, *Ardkinglas*, the Laird of Lochzell, the Laird of Fulwood. For the Shire of Bute, ſir *Robert Montgomrie* younger, or his ſon, *Hector Bannatyne* of Kammes. For the Shire of Wigtoun and Stewartry of Kirkcudbright, the Earl of Caſſils, the Lord Kirkcudbright, the Sheriff of Galloway, ſir *Robert Adair*, the Laird of Earliſtoun, Colonell *William Stewart*, the Laird of Bargattoun. For the Shire of *Air*, the Lord Chancellor, the Earl of Eglintoun, the Earl of Caſſils, the Lord Cathcairt, the Laird of Ceſnok, the Laird of Gaitgirth, the Laird of Grenok younger, the Laird of Pollock, the Laird of Howſton, the Laird of Cuninghamheid. For the Shire of Kincardine, the Viſcount of Arbuchnot. For the Shire of Aberdeen, the Lord Fraſer or his ſon, the maſter of Forbes, the Laird of Eight, the tutor of Pitſligo. For the Shire of Caithnes, the Laird of Dumbeath, *Francis Sinclair* grand Uncle to the Earl of Caithnes. For the Shires of Innernes and Cromartie, except thoſe parts thereof, which

in the former Act of poſture is either joyned to Elgine or Argyle, the Laird of Balnagowne, ſir *James Fraſer*, *Innerbrachie*, *Obſdail*. For the Shires of Elgine and Nairn, with that part of Innernes, joyned in the Act of Poſture aforeſaid, the Laird of Brodie, the Laird of Lethem or his ſon, the Laird of Duffus or his brother. For the Shire of Sutherland, the Earl of Sutherland. For the Shire of Bamff, the Laird of Kempcairne or his ſon. For the Town of Edinburgh, ſir *James Stewart* Proveſt.

And ſiclike, The Eſtates of Parliament, do hereby nominate and appoint the perſons after following, to be Commiſſioners and Committees of War within the ſeverall Shires of the Kingdom, as well to Burgh as to Land, in manner and to the effect following: They are to ſay, In the ſheriffdom of Edinburgh, principall, *Francis* Earl of Buccleugh, *William* Earl of Lothian, *John* Lord Borthuik, *John* Lo: Torphichin, *John* Lord Balmerino, Maſter of Balmerino, Mr. *John Inglis* of Crawmond, Sir *Alexander Inglis* of Ingliſtoun, Mr. *James Scot* of Bonintoun, Mr. *Laurence Scot* of Bavelaw, *David Macculloch* of Guidtrees, ſir *Archibald Johnſtoun* of Wariſtoun, *Borthuick* of Cruikſtoun, ſir *John Scot* of Scottiſtarvet, *Thomas Craig* of Riccartoun, Sir *John Wauchope* of Niddrie, Maſter *George Wynrahame* of Libertoun, of Cambo, *William Murray* of Herdmanſtoun, *William Borthuik* of Halheriot, *Robert Dobie* of Stannyhil, *Samuel Machelſone*, portioner of Middeltoun of Southſide, *Mark Caſſe* of Cockpen, *Robert Porteous* younger, *Alexander Calderwood*, *James Dowglas* of Cliftounhal, *James Sandielands* of Murehous Diks, ſir *John Smith* of Grottell, *James Dowglas* of Bauds, Mr. *Robert Smith*, *John Hamiltoun* of Murrays, ſir *John Hope* of Craighall, ſir *Joſeph Dowglas* of Pumpherſton, *Peter Rollock* of Pilroun, Mr. *Samuel Johnſtoun* of Scheanes, *Walter Scot* in Lelwaid, *Stevenſon* of Hermieſcheils, *William Dowglas* of Gogar, ſir *William Scot* of Clerkingtoun, Sir *William Dick* of Braid, *James Roucheid* of Craig of Innerleith, *Dundas* of Newliſtoun, Laird of Cakmure, *William Purves* Bailies of Muſſleburgh, *Thomas Magge* of that ilk, *Alexander Craig*; And the ſaids Eſtates appoints the ſaid ſir *Archibald Johnſtoun* of Wariſtoun to be Convenier for the firſt meeting.

In the Conſtabularie of Hadingtoun and Bailiarie of Lauderdail, *John* Earl of Tweddell, *Archibald* Lord Angus, Laird of *Wauchton*, Laird of Ormeſtoun Laird of Preſtoun, Laird of Elphingſtoun elder and younger of Smetoun Keith of Barfurd of Beinſtoun of Congiltoun of Elvingſtoun, Mr. *John Pringle* of St. Germanes, Sir *William Dick* of Braid, Mr. *James Ramſay* of Fawſide, *John Hepburne* of Craig, *Andro Hamilton* Tutor of Reidhouſe, *Andro Cowper* of Fentounbarnes of Wedderburn, *William White* of Markill, *David Wilkie* of Dolphingſtoun, *John Hamiltoun* of Oyle-

Oyleſtobe, *Thomas Turnbull* of Skeddiebus, *Laurence Henderſon* of St. Laurence, Mr. *John Butler* of Kirkland, *Robert Achieſone* of Sidſerf, *Levingſtoun* of Saltcoatts *Gleghorne*, Mr. *Robert Hodge*, *James Skervene* of Plewlandhill. For the Burgh of Hadingtoun, *John Sleigh*, or *George Brown*, or *John Aytoun*. For the Burgh of Dumbar, *William Purves*, or *John Purves*, or *Thomas Kellie*. For the Burgh of Northberwick, *John Levingſtoun*, or *George Home*: And the ſaid Eſtates Appoints the Laird Smetoun elder to be Convenor for the firſt meeting.

In the Sheriffdom of Peibles the Earl of Tweddel of Dawick elder, *Andro Hay* of Hayſtoun, Mr. *John Hay* ſiar thereof, Mr. *James Lawſon* of Cairnmure, Mr. *Alexander Burnet* of Carlingloups, *Walter Murray* ſiar of Halmyre of Glen younger, *William Ruſſell* Portioner of Slipperfield, Captain *John Murray* of Rolmanno, ſir *James Murray* of Skirling, *James Naſmith* of Poſſo: *Robert Hunter* of Polmuid, *William Twedie* of Wrae, *Patrick Porteous* of Hailkſhaw, *Thomas Geddes* in Mosfennam, *Archibald Hamiltoun*, Tutour of Coltquot, *John Grahame* portioner of Slipperfield, Mr. *Patrick Brown* of Stevinſtoun, *Thomas Twedie* younger of Olipheer, *Robert Pringle* of Chapelhill, *James Dowglas* of Cowthrople, *James Dowglas* Portioner of Lintoun, *Thomas Chiſholme* of Hairhope, *John Dickſon* of Hairtrie, The Proveſt of Peibles, or any one of the Bailyes; And the ſaid Eſtates Ordains Glen younger, to be Conveener for the firſt meeting.

In the ſheriffdom of Selkirk, the Earl of Bucleugh, ſir *William Scot* elder, of Harden, ſir *John Murray* of Phillophauch, ſir *William Scot* younger of Colonell *Walter Scot*, *Walter Scot* of Whitſlaid, *Patrick Scot* of Thirlſtane, *William Scot* of Marge ton, *James Scot* of Gallowſcheils, *William Scot* of Sintoun, *James Pringle* of Torwoodlie, *Pringle* younger of Whytbank, *James Pringle* of Newhall, *Andro Ker* of Sunderlandhall, *William Scot* of Tuſchelaw, *Robert Scot* of Browhill, *Andro Scot* of Braidmedows, *John Scot* of Gilminſcleuch, *Gedion Murray* of Sundhoup, *Archibald Ellet* of Phillop, *George Curror* of Howdoun, *Thomas Scot* Baily of Selkirk, *Thomas Halliewell* late Baily there, *Thomas Scot* of Todrig, *Archibald Ellot* of Midleſteed, *William Ellot* of Stobbis, *Gilbert Ellot* younger thereof, *William Scot* younger of Heidſhaw, *Robert Scot* of Hartwoodmyrs, And the ſaid Eſtates Appoints to be Conveener for their firſt meeting.

In the Sheriffdom of Berwick, Earl of Leven Lord Angus Craighall, of Tofts Wedderburn elder and younger of Wauchton of Blakater Swyntoun elder and younger, ſir *William Scots* elder and younger of Harden of Coldinghamlaw of Stitchell of Smetoun, Mr. *George Home* of Kinnerghame, ſir *John Wylkie* of Edingtoun, *Hary Carmichael*, *Patrick Home* of Broomhouſe, Maſter

*Patrick Home* of Huttonbell, *James Home* of Castellaw of Blairnairn elder, *John Home* of Kello, *John Ker* of Mersingtoun, *John Home* of Ninewalls, *Walter Pringle* of Frierknow, of Wedderlie younger, *James Home* of Whitsumehill, Mr. *Robert Swintoun*, *Gilbert Lawder* of Nesbet, *John Erskyne* of Dryburgh, *James Halyburton* at Dryburgh, *Patrick Boig* of Burnehouse, *William Somervell*, of Hiltoun: And the Laird of Wedderburne to be Conveener.

In the sheriffdom of Drumfreis and stewartrie of Annandail, Mr. *George Dowglas* of Penzerie, *Archibald Dowglas* of Dornok, *Robert Fergusone* of Craigdarroch, *James Dowglas* of Mouswall, *Walter Scot* of Whitslaid, *John Creichton* of Crawfurdstoun, *Thomas Fergusone* of Caitloth, *Andro Cuningham* of Sleid, Mr. *William Fergußone* younger of Caitloth, *John Wilson* of Crogleane, *Patrick Scot* of Thirlestane, *William Wilson* of Land, *John Dowglas* of Stanehous, *John welsh* of Colliestoun *James Kirk* of Sundaywell, *Andro Scot* of Braidmedows, *James Greirson* of Dalgoner, *Robert Kirkpatrick* of Cloisburne, *William Huntar* Tutor of Ballagane, *Archibald Johnstoun* of Clachrie, *Francis Scot* of Caitertoun, *Matthew wilson* in Greinehill, *James Dowglas* of Mortoun, *walter Scot* of *Arkiltoun*, *John Scot* younger called of Headschaw, *Thomas Macbirnie* Provest of Drumfreis, *Robert Ritchertson* Baily there, *John Cuningham* Baily there, *John Burgess* Baily there, *Laurence Davidsone* Provest of Sanquhar, *Robert Bartan* Burgess of Drumfreis, the Provest of Drumfreis to be Conveener for the first Dyet.

In the Sheriffdom of *Lanerk*, *Archbald* L. Angus, sir *will. Carmichael*, Sir *James Stewart* of Kirkfield, Sir *Walter Stewart* of Allantoun, and *Stewart* his Son, sir *John Wilkie* of Scottiscraig, sir *John Cheislie* of Netherpollok, sir *James Hope*, of Kerhouse of Prestoun of Dalyel of Silvertounhill elder, sir *Daniel Carmichael* *James Carmichael* of Halcraig *Vdstoun* and his son of Dallerff, of Airdrie of Woodhall of Barncluch, *George Lochart* of Tarbrex, *William Lowrie* of Blaikwood, *John Muir* of Annestoun of Knewhobilhill elder, *James Stewart* Tutor of Castelmilk, Mr. *John Dickson* of Busbie, Mr. *John Carmichael* Commissar of Lanerk, *Robert Denholm* of Westscheils, *Walter Hamiltoun* of Neatherfield, *Ia: Cunningham* of Bonitoun, *Ia: Cuningham* of Coblehaugh, *John Weir* of Cloburne, *william Broun* of Dolphintoun, *John Weir* younger of Newtoun, *John Hamiltoun* Chamberlain of Hamiltoun, *Geo: weir* of Hairwood, *James Baily* of Todhoils, *James Hamiltoun* of Neilsland, *William Hamiltoun* younger of Maynes, *Gavin Hamiltoun* of Mylnehous, *James Dalyell* of Johnstoun, *William Hume* Burgess of Glasgow, Mr. *John Spreull* Clerk of Glasgow, *John Grahame* late Baily of Glasgow, *William Anderson* younger of Newtoun, *James Dick-*

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ſon of Stane, *Alexander Baily* of Calends, maſter *william Broun* of Mylnerig, *Robert Dalyell* of Weſtredmire, the Proveſt and Bailies of Glaſgow, the Bailies of Lanerk, *Gedeon Jack* of Braxisfield, *Andro Pincartoun* for Rutherglen, *Andro Hamiltoun* of Overtoun, *Iames Alexander* in Hill of Drips, *Thomas Pettigrew* in the Barony of Glaſgow, *John Pirie* Chamberlain of Mauldſlie, *william Gray* of Gattquene, *William Kennedy* of Achtyfardell, ſir *walter Stewart* of Allantoun Conveener.

In the ſheriffdom of Linlithgow, *John* Lord Torphechin, the Lairds of Dundas, elder and younger, ſir *Lodowick Howſtoun* of that ilk of Bonhard of Bathgait of Hilderſtoun of Dudingſtoun Dundas, ſir *Robert Drummond* of Medhope, ſir *Ioſeph Dowglas* of *John Hamiltoun* of Boighall, Mr. *Iames Eiſtonn* of Cowſtoun, maſter *Iames Whytheid* of Park *Inglis* of Ingliſtoun *Schairp* of Howſtoun, maſter *David Hay* of Woodcokdail, *Francis Dureham* of Duntarvie of Polkennet, *Francis Galloway* of Toddiſhaugh *John Gilione* younger of Walhous of Grange, maſter *David Peibles*, *Thomas Claikſone* of Couſland *william Dundas*, *Lewis Monteith* Proveſt of Linlithgow, *Iames Campbell* there, *Robert Cuthbertſon* there, *George Allane* in Borrowſtounneſſe, *John Dick* and *John Elder* younger in Queenſferrie, *Patrick Young* of Killiecantie, *Iames Turnbull* of Gormyre; The Laird of Dundas Conveener.

In the ſheriffdom of Dumbartan, the Lord Marquis of Argyle, *John Colqhoun* of Luſs, *walter Macawlay* of Ardincapils, *Aulay Macawlay* younger of Ardincapill, *John Macfarlane* younger of Arraquhair, *Duncan Campbell* of Carrik, *Coline Campbell* of Ardintonnie, *John Denneſtoun* of Colgrene, *William Buntene* of Ardoch, Captain *George Noble* of Kiperminſheuche, *John Denneſtoun* of Dalquharne, *John Semple* of Stanyflet, *John Semple* of Dalmock, *Mungo Lindſay* of Banul, *Robert Hamiltoun* of Barnes, *Hew Crawfurd* of Cloberhill, *William Stirling* of Law, *John Dowglas* younger, of Kayſtoun, *John Colquhoun* of Kilmardinning, maſter *Iames Fleming* of Barlouch, *Iames Fleming* of Oxgang: The Proveſt and Bailies of Dumbartan, *Patrick Ewing*, the Laird of Luſs Conveener.

In the ſheriffdom of Wigtoun, *John* Earl of Caſsils, ſir *Patrick Agnew* of Lochnau, Sir *Robert Adair* of Kinhilt, *Andro Agnew* apparent of Louchnaw *Alexander Macdowell* of Logane, *william Gordoun* of Craichlaw, *John Macculloch* of Mertoun, *Thomas Hay* of Park, Colonel *William Stewart* of Caſtelſtewart, *Gilbert Neilſon* of Craigcaſſie, *William Adair* apparant of Kinhilt, *Patrick Macdowell* apparant of Logane, *Ochtrie Macdowell* of Freuch, *Alexander Macculloch* of Ardwall, *David Dumbar* of Baldune, *Patrick Agnew* of Sewchane, *John Cathcart*, of Gamlich, *Hew Macdowell* of Knokglaſſe, *VWilliam Maxwell* of Munreich, *Hew Kennedie* of Scinnonas, *VWilliam Gordoun* of Grange, *Francis Hay* of Arkland, *William Kennedy* of Kileſpie, *Andro Macdowell* apparant of Kileſter, *Patrick Agnew* of Wige, *Alexander Agnew* of

*Mac-*

Croach, *Andro Macdonald* of Lesnoll, *william Howstoun* of Cottroch, *Robert Macculloch* of Drummorell, *Patrick Gordoun* of Glasinck, *James Macculloch* Burgess of Whithorne *Thomas Adair* Provest of Straurawer, *John Kennedie* Baily to the Earl of Cassils, *Adam Mackie* Baily of Wigtoun, *Gilbert Neilson* siar of Craigcastie, And the said *Patrick Agnew* of Sewchane to be Conveener for their first meeting.

In the Sheriffdom of Roxburgh, The Earl of Bucleugh, the Earl of Lothian, sir *VVilliam Dowglas* of Cavers younger, sir *VValter Riddell* of sir *Thomas Ker* of Cavers, Sir *VVilliam Scots* elder and younger of sir *Andro Ker* of Greenheid, *Archibald Dowglas* siar of Cavers, *Andro Ker* of Lyntoun, *VVilliam Ellot* of Stobs, *William Ker* of Newtoun, *Gilbert Ellot* of . *John Ker* of Lochtour, *Gedeon Scot* of the of Langlands, of Gawdielands, and St. Anesch, *John Scot* of Gorinberrie, *Robert Scot* of Braidhauch, *Gedeon Wauchop* of *John Rutherfurd* of Edzerstoun, *John Rutherfurd* of Bankheid, *John Rutherfurd* of Caphope, *Andro Ker* of Whittoun, Mr. *william Moir* of Otterburn, *Robert Ker* of Midlemestwells, *John Ker* of Carnehesteirs, *John Dowglas* of Garvet, *Robert Ker* of Cadinside, *John Haliburtoun* of Murehouslaw, *VVilliam Ker* of Swynesyde, *Andro Ker* son to Sir *Thomas Ker* of *Gilbert Ker* son to of Lochtour, of Hunthill younger, *Robert Pringle* of Stitchell, *James Ker* brother to the Laird of Tynes, *Henry Crainstoun*, *John Scot* of Breiryears, Mr. *Gilbert Eliot* of Craigend, *walter Riddell*, portioner of Bewlie, *Andro Riddell* of Newhouse, *George Moscrop*, *Iames Haswell*, *Robert Ruthersurd*, Mr. *John Brown*, *John Rutherfurd* Baily, *Andro Ker* of Mesendew, *John Ker* brother german to sir *Andro Ker* of Greinheid, *Robert Dickson* in Ednem, sir *VVilliam Dowglas* of Cavers, *Archibald Dowglas* his son to be Conveeners.

In the sheriffdom of Air, The Earl of Lowdoun Chancellour, the Earl of Eglintoun, the Earl of Cassils, the Lord Cathcart, the Lord Ross *Cuningham* of Cuninghamheid *Blair* of that ilk, Lairds of Rowallan elder and younger, Laird of Crawfurdland, Laird of Corshill, Laird of Dunlop, Laird of Ralstoun *Eed and Cunningham* *Montgomerie* of Lenschaw younger, Laird of Auchnames Laird of Horslet, the three Lairds of Skelmurlie, Lands of Bishoptoun elder and younger Barklay of Pearstoun Laird of *Adamtoun* younger, Laird of Hunrartoun, sir *william Scot* of Clerkintoun, Laird of Doukathall, master *Robert Barclay* *John Reid*, *Robert Broun*, Laird of Craig younger *Cunningham* of Hillaketh, *James Campbell* in Newmils, Laird of Halpland, Walterstoun younger, Lieutenant Colonell Crawfurd in Kelsoland, *James Blair* Baily of Irwing, *Adam Blair* of Lochwood, Laird of Cesnok, Laird of Kers, Laird of Gaitgirth

Gairgirth, Laird of Corsby, Laird of Bar, Laird of Gilmelistroft, Laird of Galstoun, Laird of Sornbeg younger, Laird of Kinezancleuch, Laird of Waterheid, Laird of Park, Laird of Stane Laird of Enterkin La. of Nether-skeldoun, La. of Horscleuch La. of Schankistoun Laird of Garrive, *Hew Kennedy* Provest of Air, *Adam Ritchie*, *Iohn Osburn*, *Iames Chalmeris*, *Fergusone*, Laird of Monkredeing younger, *Edward Wallace* younger of Sewaltoun, *Iohn Birsbain* younger of Bischoptoun Laird of Collen, Laird of Carletoun Laird of Grimotschaw, the three Lairds of Kirkmichaells, Lairds of Penkill elder and younger, Laird of Balloch, Laird of Keirs, Laird of Kildonald younger, *Gilbert Kennedy* of Dangher, *Adam Whitfurd*, *Fergus Mac-cubene*, Mr. *Hew Cathcart*, Laird of Balimoir, Major *William Stewart*, Laird of Trochrig, Laird of Clackrie of Davenie, *William Wallace* of Failfurd, *Gilbert Ritchart* baily of Air, *Iames Blair* of Mounktounmains, *Iames Blair* baily of Irwing, *Rowallen* elder conveener.

In the Shrieffdon of Renfreu, The Earl of Eglintoun, the Lord Ros, Howstoun of Blair of Netherpollock of New-wark of Craigance of Greenock elder and younger of Bischoptoun elder and younger of Fulwood of Dowchall elder and younger of Barochan of Cauldwell of that ilk of Ralstoun of Glanderstoun of Cathcart of Southbar of Weitlands of Aldersly of Walknischaw younger, *William Home* *Iohn Sempil* of Bridge end, *Iames Stewart* tutor of Castlemalk of Kellie of Rosland, *Iames Alexander*, and *Iohn Spreul* burgesse of Paslay, *Iohn Spreul* Provest of Renfrew, *Howstoun* conveener.

In the Shrieffdom of Argyle, *Robert Campbell* of Glenurquhy, sir *Duncan Campbell* of Auchenbreck, *Duncan Campbell* of Dundron, *Coline Campbell* of Inverliver, *Archibald Campbell* Captaine of Craignes, *Master Dowgall Campbell* of Lag, *Hector Macneill* of Thynes, *Hector Macallester* of Loup *Maccolme Macnachtan* of Dundarrow, *Archibald Campbell* of Glengarradal, *Iohn MacCloyd* of Dunvagan, sir *Donald MacDonald* of Slaitt, *Iohn Macronald* of Ilantyrum, *Captain* of Clanrannald, *Alan Cameron* of Lochzell, or *Donald Camron* his sonne, sir *Donald Cameron* of Ardnamurchan, *sir Lauchlane Macleane* of Dowart, *Murdo Macleane* of Lochbowie, *Iames Campbel* of Ardkinglas, *Archibald Campbel* of Kilmund, *Coline Campbell* of Straghirgtir, *Archibald Campbell* of Otter, sir *Iames Laumont* of Inneryne, *Lauchlane Maclanchlane younger* of that ilk, *Iohn Campbell* of Lochninell, *Archibald Campbel* Captain of Dunstaffnes, *George Campbell* Tutor of Calder, *Iohn MacDowell* of Ragrh *Iohn Campbell* of Ardchattan, *Alexander Macdowgall* Dunnoloygh, *Geo: Campbell* sheriff depute of Argyle, The Laird of Glenurquhy, or in his ablence Auchinbreck to be conveener.

In the Shrieffdom of Clakmannan, The Marques of Argyle of Scottiscraig, Sir *Charles Erskene* of the old master

Laird of Clakmannan of Duncrub elder and younger, maſter *Robert Bruce* of Samboile, ſir *James Hope* of *John Scotland* of Dollorbeg, ſir *John Erskene* of Balgonie, maſter *William Blaikburne*, *Thomas Rollock* *Andro Erskene* in Alloway, *Thomas Anderſon* there, Lieutenant Colonell *William Bruce*, *Thomas Scotland* in Dollorbeg, *Iames Hadin* of *Monteith* of Weſt-quarter, *William Bruce*, and the ſaid *Thomas Rollock* to be Conveener for their meeting.

In the ſheriffdom of Fyffe, for the Presbyterie of Kirkcaldie, the Laird of Arnot, elder and younger, the Laird of Inchdairne, ſir *Iames Melvill* of Halhill, Laird of Kirkneſs, Laird of Fyngask, Laird of Balfarge, Laird of Finmout, Laird of Caskibyrion, Laird of Balburnie, *David Auchinoutie* of Romeldrie.

For the Presbyterie of Dumfirmling, General Major *Howburne*, Laird of Balmule, ſir *Iohn Erskene* of Laird of Ballo, Laird of Balbugie, Laird of Cleich, Laird of Tilliboil, ſir *Henry Wardlaw* of Pitreven, maſter *Alexander Colvill* of Blair, Laird of Spencerfeld, Mr. *Robert Bruce* of Gellets, Mr. *Robert Preſtoun* Lairds of Fordell elder and younger, Laird of Luchart, Laird of Bathrick, *Robert Hacket*.

For the Presbyterie of St. *Andrews*, Laird of Naghton, Sir *Thomas Nairn* of *David Young* Lairds of Earlihall elder and younger, *David Balfour*, *William Goodman*, of Rankell, Lairds Auchinowtie elder and younger, *William Alexander* of Byerhills, ſir *Iames Lumſden* elder of Laird of Kincraig, ſir *Iohn Carſtaris* of Kilconqhuar, Laird of Pitlethie, Laird of Balkaskie, *Iames Binei* of Dininoe, Laird of Lethous, ſir *Iames Mompenny* of Laird of Scottiſcraig, Conveener for the firſt meeting.

For the Presbyterie of Cowper, ſir *Iohn Hope* of Craighall, Generall Major *Iohn Leſlie* of Myres, Laird of Lethrisk younger, Lairds of Collarnie elder and younger, Lairds of Roſsie elder and younger, Laird of Mongothame, Lairds of Fairney elder and younger, Laird of Creigh, Mr. *David Ramſay*, Laird of Atton, Laird of Unthank, Laird Den mill, Lairds of Woodmylne elder and younger, Laird of *Donmoor*, *Thomas Oliphant* of Laird of Forther, *David Lunde* of Drums, ſir *William Beatoun* of *George Patterſone* in Falkland, Laird of *Grimſtoun* elder and younger, *Coline Campbell* of *Lundie* younger, Laird of *Romarnie*, *Thomas Spence* of Lethalone, *Iames Lundie* of Straearlie of Moncrieff, Laird of Rankelour, Macgill elder and younger, Laird of Kincraig, Laird of Corſlain, Laird of Kennoquhy, Mr. *Andro Aytoun* of Fynglaſſe, *Andro Arnot* of Caplebrae.

In the Burghs of Fyfe, and St. *Andrews*, *Iames watſon* Proveſt, *Iames Wood*, *Iames Sword*, *Iames Taylour* Bailyes, & *Iames Lentroun*. Cowper *Geo: Iameſon* Proveſt, *Iohn Glasfurd*, *Iohn Sharp* Bailyes, Carrail *Andro Daw*, *Alex. Cunningham*. Auſtruther eiſter, *Will: Hamiltoun*, *Io: Lyndſay*. Auſtruther weſter, *Andro Ritchieſon*, *Peter Tompſon*, Pettenweim, *Ia: Richardſon*, *Tho: Cuik*. Dyſert, *David Robertſon* of Monturpie, *Iohn Gawye*. Kirkcaldie, *Iames*

*Iames Anderſon*, *Iohn white*. *Bruntiland*, *Iohn Brown*, *Magnus Ayton* Innerkeithing, *Alexander Henderſon*, *Mark Duncan*. Dumfermling, *Peter walker*, *Iames Reid* Kilrenie, *Andro Houſtoun*, and *Arthur Erskine* to be convener for the firſt meeting.

The Sheriffdome Pearth, the perſons after nominated which are appointed to be divided into three ſeverall ſub-committees, with proviſion that any member whatſoever of the whole Committee ſhall bee free to meet in any of the three diviſions, and when any buſineſſe occurreth importing the good of the whole Shire, all three are to meet in one Committee at Pearth, and the firſt of the ſaids three ſeverall ſub-committees are appointed to ſit at Dumblane, and are comprehended within the Presbytery of Dumblane and Ochtourardor, and the Paroche of Culroſs, and the Commiſſioners names are theſe, *viz*. *Arch*. Marqueſſe of Argyle, the Earle of Kincairne, Sir *Iohn Halden* of Glenegeis, the Laird of Bonhard, the Barron of Auchyle younger, Sir *Iohn Erskyne* of Barlgouny, Sir *Robert Colvill* of Cleyſche, Sir *Charles Erskine* of Ava, *Arch*. *Stirling* of Coldo, *Iames Campbell* of Clahik, the Lairds of Buchannan elder and younger, *Iohn Grahame* of Buwhappill, *Iohn Buchannane* of Arnpryer, Sir *George Preſtoun* of Valiſeld, *Robert* Dempſter of Balduthy, *William Hutton* of Bellilisk, Maſter *William Blackburn*, the Laird of Leny, *William Murray* fiar of Auchtirtyre, Maſter *Harry Cheape* of Ormſtone, *Iames Stewart* of Arvorlich, *Colein Campbell* of Mochaſtell, the Laird of Knockhill, *Thomas Bruce* of Blairhall, *Iames Erskine* Burges of Culros, *William Blair* of Williamſtone, the Laird of Gask, Sir *Iames Rollok* of Duncrub younger, Maſter *Iohn Drumond* of Leonach, *David Drumond* of Drumoneronerch, and the ſaid Sir *George Preſton* to be convener for their firſt meeting, and the ſecond of the ſaids ſub-committees to ſit at Pearth, comprehending the Presbytery of Pearth, and the bounds of the Presbytery of Dunkell by Weſt the water of Tay, and Beneth, the Kirk of little Dunkell, and the names of the Commiſſioners of that ſub-committee are theſe, *viz*. The Lord *Angus*, the Lord *Elcho*, Lieutenant Generall *David Leſley*, Sir *Iohn Moncreiff* of that ilk, Sir *Thomas Ruthven* of Freeland, Sir *Iohn Brown* of Fordell, the Laird of Laures, Sir *william Auchinleck* of Balmano, the Barone of Comrie, Sir *David Carmichell*, of Balmedy, *William Olyphant* of Balgony, *Iohn Olyphant* of Bachilton, the Laird of Erſtermontreiff, the Laird of Craigy, the Laird of Tippermalloch, *Laurence Olyphant* of Pithethly, *Andro Reid* in Pearth, *Robert Hay* of Struy, the Laird of Balhouſly, *Matthew Moncreiff* in Eiſter Rynd, *william Monteiff* of Kintillo, *William Olyphant* in Forgon, *Laurence Craigie* of Kilgirſton, Maſter *Patrick Pitchairne*, and Maſter *Thomas Murray* conjunct Sheriff, Deputies of Pearth, the Laird of Leyis, *George Hay* of Kirkland, Sir *Iohn Dundas* of Fingaſs, *Iohn Campbell* of Abernedlock, Maſter Maſter *Harry Steweart*, Maſter *Iohn Olyphant* of Colkeocher, *Thomas Menzeis* of Togermach, of Buchattie, *George Bruce* of Copmalindie, the Bailies of Pearth, *Patrick Roſs* in Pearth, *Iohn Barclay* there, *Andro Lundy* of Proveſt-mayns, *Iohn Brown* of Horne, *George Morgle*

of Tippermuir, *Mitchell* of Kincarroch, *Hew Craigy* of Dumbarny, Sir *Robert Bruce* of Clakmannane Knight, the Lairds of Glenorquhy elder and younger, and the ſaid *Iohn Olyphant* of Batchilton to be conveener for the firſt meeting, and the ſaid third Committee to ſit at Couper, and comprehending the five Kirks of the Presbytery of Miggill, the ſeven Kirks of the Eiſt Larſs, and the Kirks of the Preſbytery of Dunkell by Eiſt the water of *Tay*, and town of Dunkell, and the names of Commiſſioners of that ſub-committee are theſe, the Lord *Coupar*, *William Fallerton* of that ilk, *Gilbert Campbell* of Kethik, *George Campbell* of Crunin, *Colline Campbell* of Denheid, the Laird of Bamff Ramſay, the Laird of Ardblair, *Iohn Blair* of Pittindreich, the Laird of Craighall younger, *George Campbell* Lundy, *Colline Campbell*, ſier thereof, the Laird of Inchture, *Laurence Blair* of Drumie, *Patrick Robertſon* of Littleton, *Iames Mackgruder*, in Cairhill, *Patrick Halsburton* of Bauthrie, *George Chalmers* of Little lour, *Iames Halliburton* of Buttergask, *Ronald Brown* portioner of Eliot, *Alexander Ramſay* of Jordanſton, Mr. *David Kinloch* of Bamdohe, *Alexander Robertſon* of Downe, Major *George Brown*, *Alexander Robertſon* of Eiſter Straeloch, *Iohn Ireland* of Milnhorne, *Donald Campbell* of little Kethik, Sir *william Blair* of Balgillo elder, *Alexander Ramſay* of Balrawaid, the ſaid laird of Ketheik to be conveener for the firſt meeting. In the Sheriffdom of Forfar. The Marqueſſe of Argyle, the Earle of Panmure, the Viſcount of Arbuchnot, the Lord *Brechin*, the Lord *Cowper*, the Lord *Balmerino*, the laird of Edzell, the laird of Brightoun, the laird of Teiling, the Laird of Ruthven, the lairds of Fendowrie Elder and younger, the laird of Balzordie, the laird of Balfour, the laird of Brathinſche, the laird of Melgin, the laird of Coſſines, the laird of Balgillow elder, the laird of Kirktounſcrymgor, the laird of Duntrune, the laird of Eaſter Seatoun, the laird of Lundie, the laird of Carſgownie, the laird of Fordellbroun, the laird of Grange elder, the laird of Weſter Kers, the laird of Balmukatie, *Patrik Levingſtoun* of Newtoun, the laird of Pitforthie, the laird of Scheilhill, the laird of Eiſter-killour, the laird of Blakſtoun younger, the laird of Burnmouth, the laird of Cominſyth younger, the laird of Arbeikie younger, *Claihills* of Baldovie, *Iohn Irnes* younger of Baldovie, *Robert Davidſon* for Dundie, *William Rodger* there, Mr. *George Haliburtoun* there, *Iohn Skinner* for Brechin, *George Dempſter* there, *Andro Gray* for *Montroſs*, *Iames Mylne* there, *George Wood* for Forfar, *David Ramſay* for Aberbrothok, and the ſaid laird of Lundie to be conveener for the firſt meeting.

In the Sheriffdome of Kincardine the Earle of Panmure, the Lord *Brechine* his ſon, the Viſcount of Arbuchnot, the Lord *Fraſer*, the Maſter of *Fraſer*, the laird of Leys, the laird of Monymusk, the Laird *Leſley* elder, the laird *Leſley* younger, the laird of Haygreen, elder, the laird Haygreen younger, the laird of Fiddes, the laird of Balbigne, Sir *Iames Ramſay* of Benholme, Mr. *Iames Skene* of Rewmoir, the laird of Johnſtoun elder, the laird of Johnſtoun younger, the laird of Caterlyne, *Robert Keith* of Craig, *Andro Barclay* of Scheills, *Iohn Straton* of Reidfurd,

furd, the laird of Sanypeth, the laird of Findowrie elder, *Paul Symmer* of Balnakettle Mr. *Patrick Fraſer* of Balzordie, *Patrick Scot* life-renter of Glenbervie, and the ſaid laird Johnſtoun to be conveener for the firſt meeting.

In the Sheriffdome of Bamff the Marqueſſe of Argyle, *Alexander Ogilvie* of Kempcairne elder, *John Ogilvie* of Kempcairn younger, *Arthur Furbes* of Eight, Mr. *Walter Innes* of Auchinluncart, *John Grant* of Ballendaloch elder, *Walter Egilvie* of Poldavie, *William Leſley* of Birdsbank, *John Innes* of Knokorth, *Berold Innes* of Torcrie, *George Spence* of Tulloch, Mr. *Alexander Dowglas* of Downies, *Patrick Weymes* Baily of Bamff, *Alexander Wincheſter* there, *James Ogilvie* of Reidhythe younger, Mr *James Hay* of Muldavat, *William Gordoun* of Newmylne, *Alexander Urquhart* of Dunlugus, *James Stewart* of Monbleton, *Alexander Murray* in Cullen, *John Gardyne*, *Patrick Meldrum* of Lichner, Mr. *Andro Hay* of Torbrugh, *John Leſley* of Buchrome, *Alexander Leſley* of Kinninvie, *Allaſter Grant* of Allachie, *William Innes* of Kinermonie, the laird of Kempcairn or his ſonne, and the ſaid laird of Kempcairn or his ſonne to be conveener for the firſt meeting.

In the Sheriffdom of Aberdeen the Marqueſſe of Argyle, The Lord *Fraſer*, The Maſter of *Forbes*, the Maſter of Fraſer, the laird of Monymusk, the laird of Skene, the laird of Tolquhon elder, the lairds of Glenkindie elder and younger, The tutor of Pitſligo, the laird of Inneralochie, the laird of Leſley elder, the laird of Watertoun, *Francis Fraſer* of Kinmundie, the laird of Kermucks, the tutor of Cragievar, the laird of Pittodrie, *John Forbes* of Byth, *William Forbes* of Corſinda, *Alexander Areskin* of Rothmay, *Duncan Forbes* of Camphell, *James Ogilvie* of Weſt-Hall, *John Forbes* of Knokquharrie, the laird of Garneſtoun, *Robert Forbes* of Barnes, *Arbuthnot* of Kairngall, *Thomas Forbes* of Auchythie, *John Leith* of White-hauch, *John Forbes* of Largie, *Alexander Keith* of Midbeltie, *Arthur Forbes* of Innernochtie, *Alexander Reid* of Newbigging, *Alexander Forbes* of Auchintoule, *Thomas Johnſtoun* of Craig, *Gilbert Skene* of Dyce, *James Forbes* of Cloak, *John Forbes* of Aſloun, *Alexander Lindſey* of Birnes, Mr. *John Baird* of Culbairdie, Mr. *Alexander Dowglas* of Drumdolo, *Thomas Burnet* of Sauchny, *George Leith* of Threeſeild, Mr. *Thomas Sandilands* of Craibſtoun, the laird of Eight, the laird of Leſlie younger, *Alexander Faffray* Baily of Aberdeen, *John Faffray*, Mr. *William Moir* Baily of the ſaid Burgh, *Walter Cochrane*, Mr. *James Sandilands*, Mr. *Robert Farquhair*, Mr. *Thomas Gray* Proveſt of Aberdeen, *John Gardyne* in Craigſtoun, the laird of Meldrum, and *George Simpſon* of Udoche, and the ſaid laird of Kermuks to be conveener for the firſt meeting.

In the Sheriffdom of Elgin and Narn, and a part of the Sheriffdom of Innernes, the laird of Duffus, the laird of Finraſie, *John Sutherlane* his brother, the tutor of Duffus, Sir *Ludovick Gordoun* of *William Brodie* of Terie, *John Innes* of Leuchers, *Alexander Brodie* of that ilk, *Patrick Campbell* of Both, Mr. *James Campbell* of Moy, *Alexander Brodie* of Lethein, *John Hay* of Knokowdie, *David Dumbar* in Garmouth, Mr.

*John Hay* Proveſt of Elgin, Mr. *William Dumbar*, *Thomas Warrane*, Sir *James Fraſer* of *Alexander Dowglas* of Spynie, Sir *Robert Gordoun* of *Walter Skynnaird*, *Boigis* elder and younger Proveſt and Bailies of Elgin, and Sheriff of Murray, to be conveeener for the firſt meeting.

In Nairn, *Iohn Sutherland* of Kilſtarie, *Alexander Dumbar* of Both, *Hew Roſs* younger of Clavach, *wil: Roſs* elder of Clava, *Ioh. Roſs* younger of Braidley, *Iohn Innes* of Engiht, *Hew Hay* Tutor of Park, *Alex. Brodie* of Lethem, *Alex. Brodie* younger of Lethem, Mr. *Alex. Dollos* of *Francis Brodie* of Balliva, *Iames Cuthbert* of Brechlyes, *Iohn Tullach* Burgeis of Nairn, maſter *Iames Campbell* of Muy, *Coline Campbell* of Delneis, *Iohn Graunt* of Moynes, and the ſaid Laird of Kilſtarie to be Conveener for the firſt meeting.

In Innerneſs, the Marquis of *Argyle*, ſir *Iames Fraſer* of the Laird of Macleud of Dunvegane, *William Fraſer* of Culboukie, the Laird of Struie younger, the Laird of Belladrum, *Duncan Forbes* of Culloden, *Iohn Forbes* Proveſt of Innernes, the Laird of Rudwall, the Laird of Eskadill the Laird of Rytick, the Laird of Finroſſie, *VVilliam Baily* of Dunaend, *David Baily* of Danchyle, *Dougall Macpherſone*, of Balchroane, *Angus Bailie* of Kinkall, the Laird of Makintoſch of Holme, *Iohn Polſoun* Baily of Innerneſs, the Tutor of Cadell, Mr. *Alexander Dollas* younger, of Budgit, *Iames Cuthbert* of Brecklie Invalothie, *Iohn Dollas* in Arderſier, the Laird of Brei, *Alexander Chiſholme* of Comer, the Laird of Lethem, the Bailies of Innerneſs, Major *Murray*, ſir *Iames Fraſer*, the Laird of Balnagoun, ſir *Iohn Sinclair* of Dunbeth, *Walter Innes* of Inverb, the Laird of May younger, *David Roſs* of Pitcalme, *Hector Dowglas* younger of Mulderg, *VVilliam Roſs* of Grinord, *Andro Macculloch* Proveſt of Tayne, *Hugh Monro* of Contuliche, *Iohn Roſs* younger of Littlecarrel, *Iohn Roſs* of Aldie, *Robert Innes* of Calroſſe, *Iohn Corbet* of Litlerime, *Andro Monro* portioner of Culkearne, *Robert Monro* of Obſidell, and the ſaid *Robert Monro* of Obſidel, to be Conveener in Roſs diviſion, and to meet at Tayne.

In the Sheriffdom of Stirling, the Lord Marquis of *Argyle*, ſir *Charles Erskene* of Alvath, ſir *Iames Levingſtoun* of Kilſyth, the Laird of Buchanan, the Laird of Howſtoun, ſir *William Bruce* of Stanehous, ſir *Iohn Erskene* of Balgonie, ſir *Iames Hope* of the Laird of Bonhard, ſir *Robert Elphingſtoun* of quarrell, *Hary Elphingſtoun* of Catſie, *Thomas Elphinſtoun* his ſon, Colonell *Rae* of Coltinghous, the laird *Lerkis*, the laird of Achinreath, the laird of Buchanan younger, the laird of Kincaid, *Robert Bruce* of Kinnaird, *Thomas Bruce* Proveſt of *Stirling*, *Duncan Nearne* Baily, *Iohn Schort* old Proveſt, *Thomas Rollock*, *Chriſtopher Ruſſall* Deacon Conveener, the Laird of Bannokburn, the laird of Boquhane *Bruce* of Achenhoney, the laird of Drumakeil, *Iames Stirling* of Baldernich, Mr. *Iohn Rollock*, *Monteith* of Weſtquarter, the laird of Mulhall younger, *David Bruce*, in Alvath, *Iames Giudlet* younger of Abitſhauch, *David Forreſt* of Dinniveir, *Iohn Buchanan* of Roſſe, *Iohn Buchanan* of Caſley, the laird

laird of *Barrinshogall*, *Thomas Buchanan* of Boquhane, the laird of Auchinreoth, the laird of Balfoulls younger, *William Grahame* of Gartmoir, *John Buchanane* of Auchinpryor, *James Stirling* of Achyle, *James Boyd* of Banuchell, master *Iohn Edmestoun*, Tutour of Duncreth, *Robert Forrest* of Queinshauch, *William Row* in Bandeth, *Iames Ross* of Newike, *William Ross* of Seatres, *Robert Forrest* of Rachahill, *Iames Schaw* of Dochquhirne, and the said Mr. *Iohn Rollock* to be Conveener for their first meeting.

In the Stewartrie of Kirkcudbright, the Earl of Cassils, *Iohn* Lord Kirkcudbright, *Iames* master of Kenmure, Colonell *William Stewart* of Castelstewart, *William Grierson* of Bargatoun, *Alexander Lennox* of Calie, *Iohn Brown* of Carsluith, *Iohn Fullertoun* of Carletoun, *Alexander Gordon* of Earlistoun, master *William Gordoun* his son, *Richard Mure* of Cassincarrie, *Alexander Mure* his son, *William Gordoun* of Roberton, *William Glendonyng* of Gelston, *William Gordoun* of Holme, *William Gordoun* of Schirmers, *VVilliam Macclellan* of Barscub. *Robert Gordoun* of Kirkconnell, *Alexander Murdoch* of Calinloddan, *Alexander Mackie* in Polgoune, *Robert Gordoun* of Grange, *David Arnot* of Barkeaple, *Robert Gordoun* of Knokbrex, *Alexander Gordoun*

Garlarg, *Thomas Macclellan* of Collien, *Io: Cutler* of Orraland, *Iames Tailyefair* of Haircleuch, *VVilliam Macculloch* of Ardwall, *Alexander Gordoun* of Knokgray, *Iohn Gordoun* his son, *william Macclellan*, of Gribdie, *Iohn Carsan* of Sannik, *George Calendar* Baily of Kirkcudbright, *Iohn Ewart* of Mullock, *Iohn Gordoun* of Enrik, *Iohn Gordoun* of Rusco, *Robert Macclellan* of Gata, *Iohn Glendonyng* of Laggen, *Gilbert Brown* of Compstoun, *Herbert Irwing* of Logan, *Iohn Kirk* of Clasters, *Patrick Mackie* of Larg, *Roger Gordoun* younger of Traquhane, *Thomas Rome* of Lincluden, *Iohn Stewart* of Sambellie, *David Gordoun* of Glenluce, and the said laird of Cairltoun to be Conveener of the first meeting.

In the sheriffdom of Bute, sir *Robert Montgomerie* younger of Skelmurlie, *Hector Bannatyne* of Kames, *Ninian Stewart* of Kilchattan, *Robert Iameson* Crowner, *Alexander Campbell* of Pimner, *Ninian Spence* of Wester Kames *Io: Hamiltoun* Baily of Arran, *Ia: Stewart* of Kilquindick, *Ninian Stewart* of Askog, *Iohn Stewart* of Ardrismore, *Iohn Campbell* *Iohn Iameson* Provest of Rothesay, *Robert Bannatyne* of Cubas.

In the sheriffdom of Sutherland, *Iohn* Earl of Sutherland, the laird of Duffus, Sir *Iohn Gordoun* of Embo, *Iohn Sutherland* of Clyne, sir *Robert Gordoun* siar of Rubo, *Alexander Gordoun* of Uppat, *VValter Murray* of Putgrudie, *Alexander Gun* of Kilernane, *Iohn Gun* of Barraboll, *William Gordoun* of Doll, *Gilbert Gordoun* of Sallach, master *Robert Gray* of Auchinlong, *Patrick Dumbar* of Kittell, *Alexander Gordoun* of Carrall, *Alexander Gordoun* of Siddrey, *Hew Gordoun* of Brora, *George Gordoun* of Bellietuith, *Hew Gordoun* of Moy, *Alexander Gray* of Opisdail, *Hew Gordoun* of Ballone, *Robert Murray* of Poulrossie, *Robert Gray* of Sardail, and the said *Rob. Gray* to be Conveener for the first meeting.

In the Sheriffdom of Caithnes, *Francis Sinclair* of Northfield, Sir

*Iohn*

*John Sinclair* of Dunbeth, *William Sinclair* younger of Mey, *John Cuningham* of Brounhill, *John Dunbar* of Hemprigs, *Robert Innes* in Thurſetter, *David Monro* Commiſsary of Caithnes, *Iames Sinclair* of Aſſerie, *Iames Sinclair* of Toftkemp, *William Bruce* portioner of Lyith, *Robert Bruce* his ſon, *william Sinclair* of *Robert Murray*, Baily in Thurſo, *David Cadell* of Skudell, *Andro Denoone* in Stangergill, *Malcolm Groat* of Warres, *David Cogill* of that ilk, and the ſaid *Francis Sinclair* of Northfield, to be Conveener for the firſt meeting.

In the Sheriffdom of Orknay, *Stewart* of Maynes, *Henry Stewart* of Grinlay, *Thomas Buchanan* Sheriff, Mr. *Henry Aitkin* Commiſſar *Edward Cok*, *Magnus Talzeor*, *Iohn Backie* and *Henry Prince* Bailies of Kirkwall, *Patrick Smith* of Braco, *VVilliam Sinclair* of Saba, *Iohn Craigie* of Sanday, *Thomas Sinclair* of Campſtoun, *Iames Bakie* of Tankernes, *Edward Sinclair* of Gyre, *Edward Sinclair* of Neſs, *Iohn Sinclair* of Hamer, *Adam Bellenden* of Stenhous, *David Hart* of Riſland, *Hew Halcro* of Gruke, *William Cragie* of Gerſey, *William Irving* of Gariſlay, *Patrick Balfour* of Faray, *Thomas Trail* of Holland, *Iames Cok* of Bea, *Iohn Grot* of Elſnes, *Iames Sea* younger of Clayſtrame, *Robert Stewart* of Burgh, *Iohn Grot* of Halſtoun, *Iames Mudie* of Welſitter, *Hew Halcro* of that ilk, and the Laird of Maynes, or in his abſence Mr. *Henry Aitkin* to be Conveener.

Which perſons above condiſcended upon, and appointed to be Conveeners of the Committees of the ſeverall Shires for the firſt meeting are hereby ordained To advertiſe the foreſaids ſeverall Committees to keep the dayes of meeting reſpective after ſpecified, And for this effect, Ordains the Commiſſioners of the Shires, To advertiſe theſe who are appointed to be conveeners of the ſaids Committees in every Shire in due time, To keep the dayes and times of meeting reſpective underwritten, *Viz.* Theſe Committees upon this ſide of *Forth* betwixt and the firſt day of *March* next to come, And all theſe Committees benorth *Dee*, betwixt and the fifteenth day of *March* next to come, And thereafter once in the week, at the leaſt, at the head Burgh of the Shire, or any other convenient place they pleaſe; And the ſaids Committees are hereby authorized, after their firſt meetings to make choice of ſuch Conveeners amongſt themſelves from time to time, as they ſhall think fit: And the Eſtates of Parliament Declares, That none of the perſons, either Colonels or Commanders, or upon the Committees of War of the ſeverall Shires, who are guilty of the crimes of the firſt or ſecond Claſſes of the Act of Claſſe made at St. *Andrews*, and fall under the firſt or ſecond Claſſe of the ſame, ſhall be either Colonells or Commanders, or upon the Committees of War *reſpectivè* aforeſaid, notwithſtanding of the nomination and election abovewritten: And likewayes, that none of the perſons, either of Colonels or Commanders, or upon the Committees of War foreſaid, who are guilty of any of the crimes contained in any of the four Claſſes of the Act of this preſent Parliament, and fall under any of the ſame, ſhall be either Colonells

lonells or Commanders, or upon the Committees of War *reſpectivè* foreſaid, (excepting ſuch perſons contained in the exception of the third Claſſe of the Act, as the Parliament upon certain knowledge hath, or ſhall think good to diſpenſe with) And the Eſtates of Parliament, do hereby grant to the ſaids Colonels and Committees *reſpectivè*, the power contained in the former Acts of Poſture in the years 1643. 1647. And any other Acts of Poſture, where holden as herein expreſt, which Acts the Conveeners of each Committee of War aforeſaid, are to have and keep beſide them, for the better proſecuting and obeying the Orders therein ſet down, With power alſo to inflict and uplift penalties for abſence from the ſaids Committees, and for any deficiency of the duties expreſſed and injoyned in the ſaids Acts of Poſture, and diſobedience of the Orders to be given by themſelves *reſpectivè*, according to the nature of the offence and quality of the offender. And for avoiding the great charge and expenſes the Countrey might be put to by training the whole ſenſible men, The Eſtates foreſaid, do Ordain the ſaids Colonels and Committees of War, to cauſe train and exerciſe the number of Foot expreſſed in the Act of convention of Eſtates, and the double of the number of Horſe, expreſſed in the foreſaid Act, *Anno* 1643. or in the option of the Shire at the rate of a thouſand pounds of Rent, according to the preſent valuation, And that each Company of Foot and Troop of Horſe ſhall meet and exerciſe within their ſeverall Paroches, at a certain place of Rendezvous one day in the week under the pain of two ſhillings *Stirling* for each Horſeman, and one ſhilling *Sterling* for each footman that ſhall be abſent therefrae; And that a whole Regiment ſhall meet once in the moneth, under the double of the penaltie foreſaid, in caſe of falzie, for each deficient Horſman and Footman *reſpective*, and the ſaid reſpective penalties to be paid by the ſeverall Heretors and others Subject in putting out of the ſaid Horſe and Foot, in caſe of the abſence of the ſaid horſe and Foot at the ſaid Rendezvous, Which Rendezvous with the ſeverall places of meeting of the trained and exerciſed men, the ſaids Committees of War, with advice of the Colonels, are to appoint with all conveniencie after ſpeciall Order in writ had from the Committee of Eſtates, or Generall, or Lieutenant General to the Committees of War in the Shires. And the ſaids Regiments and Companies ſhall either in whole or in part keep ſuch Rendezvous and exerciſe within their Shires as the Committee of Eſtates or Generall Officers ſhall appoint, to the end they may be ſeen to be in good Order, well Armed, and in readineſs to oppoſe all Forraign invaſion and inteſtine inſurrection, when neceſſity ſhall require: And to the effect there may be a competent number of Horſmen as well as of Foot, trained and exerciſed in each Shire; Therefore the Parliament give power to the ſaids Committees of War, with the adviſe of the Colonels of the ſeverall Shires, to appoint ſo many Troops or Regiments of Horſe, as they ſhall think fit in place of the Companies or Regiments of Foot, allowing one Horſman well Armed in place of three Footmen.

And

And it is hereby specially declared, that if any person of the Comm ttees of the warre aforesaid shall be deficient of their duty, and neglect to put in execution the order set down in this present Act, or any of the former Acts of Posture; They are not to have the benefit of any deduction that shall be made of the maintenance, but they, because of their failzie, to be liable in the whole: And the Estates of Parliament doe permit and allow the said Committees of Warre, to appoint such of the Colonels or Commanders above nominated for the Shires *respective*, To train and exercise the saids Regiments, Troops, and Companies, in the severall shires as they shall think fit, And by the advice of the saids Colonels or Commanders, to divide the said trained men in Troops, Regiments, and Companies, in such sort as may conduce most to the good of the saids Shires *respective*; And in case of any difference betwixt the said Commmittees and Colonels, or Commanders, That the same be referred to the said Committee of Estates, To doe therein as they shall think best. And it is hereby provided that the Burrows royall shall have the like liberty and priviledge which they had in any former Acts of Posture according to use and wont, And to the end all things relating to the peace and quiet of the countrey, may be carried on in an orderly way. The Estates foresaids doe ordain a constant corresponcie to be keeped among themselves, and with the saids Committees of the Shires *respective*, and the standing Forces of the kingdome, And that frequent advertisement be given of their proceedings, And of the condition of the severall Shires, to the Parliament or Committee of Estates, to whom they shall be answerable for the discharge of the trust committed to them, by this Commission, which is to endure till the same be recalled by the Parliament, or committee of Estates; And all other former commissions for this purpose, and nomination of Colonels and committees of the Shires, to be voyd and null in all time comming. And the Estates of Parliament gives hereby power to the committees of the Shires, that are spacious and large, to subdivide the Committees thereof, and to appoint the times and places of their meetings for the same, as the Committees of these Shires shall think fit, and as may conduce most for the furtherance of the publick service and good of the said Shires. And in case of difference anent the making the said divisions, the same to be determined by the Parliament or Committee of Estates, and these subdivided Committees are to act within their own divisions, only the place being appointed. And the Estates of Parliament gives power, and authorizes the Committees of Warre within ilk Shire and division, to fortifie one or more places within their bounds, as they shall think fit; the same being done with consent of the party interest: or in case of difference upon the speciall warrand of the Committee of Estates to that effect, and to appoint officers and souldiers for keeping thereof upon the expense of the saids Shires and Burrows therein. The saids Officers or Commanders thereof being alwayes such as the Parliament or Committee of Estates shall approve of, and to continue so long as they find necessity; or that the same

ſame be diſcharged by Parliament or Committee of Eſtates. And ſic-like, Statutes and ordaines, that no ſervants, Cotters nor ſub-tennents to Burgh or Land, ſhall have power to remove from the Heretors, Life-renters, or Tennents, to whom they are ſervants, Cotters or Sub-tennents, without conſent of the Maſter of the ground untill Mertimas next, 1649. without diminition to them of their conditions or fees under the pain of an hundred pounds, to be paid by the Reſetter to the Heretor from whom they fled, and confiſcation to his uſe of the fugitives goods and geer, beſide the puniſhment of his perſon by the ſentence, and at the arbitrement of the Committee of the Shire, and ordains the Committees of Warre of the ſeverall Shires, to rectifie any inequality of the ſubdiviſions of the Shires, without diminition of the totall number of their men, appointed to be exerciſed within their Shires.

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# ACT XXVI.

## *Act for keeping the Judicatories and places of truſt free of corruption.*

17. *February* 1649.

THe Eſtates of Parliament taking unto conſideration, that the Lord our God requires that ſuch as bear charge amongſt his people, ſhould be able men fearing God, hating covetouſneſſe, and dealing truly; and that many of the evils of ſin and puniſhment underwhich the Land groans, have come to paſſe, becauſe hitherto there hath not been ſufficiently provided and cared for, And being ſenſible of the great obligation that layes upon them by the Nationall Covenant, and by the ſolemn League and Covenant, and by many deliverances and mercies from God; and by the ſolemn Ingagement unto duties to advance Religion & righteouſnes in the land, and fill places of power and truſt with men of approved integrity, and of a blameleſſe and Chriſtian converſation, And being convinced in their conſciences that there cannot be a more effectuall way for bearing down of malignants, and ſuppreſſing of prophanity, and iniquity, and ungodlineſſe, and rendring all the Lawes already made, or hereafter to be made forcible and effectuall for the honour of God, the advancing of Religion and Righteouſneſſe, and the good of the Leidges: Then that all the Judicatories of the Kingdome conſiſt of, and places of power and publick truſt be filled with able and honeſt men, Do therefore ſtatute and ordain, that no perſon that is malignant and diſaffected to the preſent work of Reformation and Covenants, and againſt whom there is juſt cauſe of exception, or juſt ground of jealouſie, becauſe of their diſaffection; Nor any perſon given to drunkenneſſe,

swearing, uncleaneſſe, or any other ſcandalous offence, ſhall hereafter be choſen to be a Judge, or any office of Eſtate, or Magiſtrate, or Counſellor in Burghs, Clerks, or Deacons of Crafts, or any officer of any army belonging to this Kingdome, or imployed in any place of publick power and truſt within this Kingdome; and that all ſuch as ſhall be choſen to be Judges, Officers of Eſtate, Officers of the Army, Magiſtrates, Counſellors in Burghs, Clerks, Deacons of Crafts, or imployed in any place of power and truſt in this Kingdom, ſhall not onely be able men, but alſo ſhall be men of known affections unto, and of approved fidelity and integrity in the cauſe of God, and of a blameleſſe and Chriſtian converſation. And it is ſtatute and ordained, that if any malignant or ſcandalous perſon ſhall be choſen to be Judges, Officers, or imployed in any of the places aforeſaid, or other places of power and truſt, or if after they being called to be Judges, Officers, and imployed in places of power and truſt, They ſhall make defection to the malignancy as is aforeſaid, or give themſelves to ſcandalous offences one or more: That this their Malignancie and profanity, conjunctly, or either of them ſeverally being proved againſt them, ſhall be a ſufficient cauſe to the Parliament of this Kingdom, or my having power from them for that effect, to keep back, remove, or ſuſpend theſe perſons from the places of power and truſt to which they are called, or in which they are imployed, as their faults and crimes ſhall be found to deſerve: but prejudice alwayes to all other Judicatories and perſons having right by the Lawes of this Kingdom thereto. To purge and fill all offices and places of power and truſt within their reſpective powers according to the Tenor of this Act; Who are hereby required and ordained to doe the ſame, as they will anſwer thereupon to the Parliament, or any having power from them in that behalfe.

ACT

# ACT XXVII.

## *Act anent Mynes and Minerals.*

17. *February* 1649.

THE Estates of Parliament taking to their consideration the great prejudice of the Leiges, in that Taks and Donations have been granted by the Kings Majesty of the Mines and Minerals of the Kingdom, wherethrough the Leiges have been subject unto the saids Donators wills and malice, by having power to open their grounds, destroy their policy, woods, houses, and orchards, to the divesting of them of their property, whereby they are most unwilling to detect and discover the presumptions of Minerals within their grounds, for remedy whereof; and for securing the Leiges of their property, and increasing of the wealth of the Kingdome, It is statute and ordained that it shall not be leisum to the Master of his Majesties mettals, and minerals, or to any other by-Infeftments, Rights, Securities, Warrand, Tak, or Commission granted, or to be granted by his Majesty or his royall Predecessours, to open and search any of the Leiges grounds for minerals, untill the Heretor thereof be cited before the Lords of Counsell or Exchequer, To hear it found and declared that there are probable presumptions of the saids minerals in his ground; such being found, The said Estates declares and ordains, that the said Heretor himself be preferred, he finding Caution to use diligence within three yeers thereafter for searching, winning, and working the said minerals, and paying therefore the tenth part of all Ure and Mettals found therein, to his Majesties Donator, or to the Master of his Majesties Mettall, or Master Refiner thereof, according to their respective places; And if the Heritors failzie in working of the saids minerals of his own accord, or in craving preferrence, or finding Caution, or doing diligence within the space foresaid. That then and in that case the Master of his Majesties mettals or the saids donators or persons, having warrand as said is, shall have power and warrand granted to them, to search, win, and dispose of the said mettals and minerals, but withall, no wayes to destroy the said Heretors policy, except upon necessity proven before the said Lords of Counsell or Exchequer, and shall be obliged to pay to the said Heretors the whole dammage and interest sustained by them through the breaking and spoyling of their ground and policy foresaid, in the searching, winning, and working of the saids minerals. It is alwayes provided, in case of the saids Heretors their, using diligence as aforesaid. That these presents shall no wayes be prejudiciall to the Master of his Majesties mettals, in so far as may concern his Majesties tenth part thereof allanerly. And

the Eſtates of Parliament do hereby retreat, reſcind, caſſe and annull all infeftments, rights, ſecuritie, Taks, Donations or other gifts whatſoever granted by his Majeſtie or his Predeceſſors, and all Acts of Parliament, Counſell, and others heretofore made or granted to any perſon or perſons whatſoever, which may any ways prejudge or derogate from this preſent Act, declaring the ſame to be void and null, and for the more effectual ſearching and winning of the ſaids Minerals, The Eſtates of Parliament do hereby Declare that it ſhall be leiſome to the ſaids Heretors to bring home to this Kingdom, Strangers one or moe skilled therein, and for their further encouragement, Do hereby ratifie and renew the whole Priviledges & Immunities, ſpecially from watching or warding, granted to them or their workmen in any Acts of Parliament, Counſell and others, made at any time heretofore thereanent, And the ſaids Eſtates do hereby Declare, that all Heretors *eo ipſo* that they have right to any Lands they have, In all time coming ſhall have right to all and whatſomever Minerall within the ſaid Lands without any neceſſity of taking ſpeciall and particular infeftments, paying and doing diligence as is aforeſaid.

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# ACT XXVIII.

## *Act againſt the horrible crime of Blaſphemy.*

17. *February*, 1649.

THE Eſtates of Parliament, conveened in the ſecond Seſſion of this ſecond Triennall Parliament, conſidering that hitherto there hath been no Law in this Kingdom againſt the horrible crime of Blaſphemy, Therefore do Statute and Ordain, That whoſoever, hereafter not being diſtracted in his Wits, ſhall rail upon, or curſe God, or any of the perſons of the Bleſſed TRINITIE, ſhall be proceſſed before the chief Juſtice, And being found guilty ſhall be puniſhed with death; Likeas it is found Statute and Ordained, That whoſoever hereafter ſhall deny GOD or any of the Perſons of the Bleſſed *Trinity*, and obſtinately continue therein, ſhall after the declaring of the ſaid obſtinacy by the Kirk, be proceſſed before the Chief Juſtice, and being found guilty, that they be puniſhed with death.

ACT

# ACT XXIX.

## Act of Levy.

28. *February* 1649.

THE Estates of Parliament having considered the dangerous posture of affairs in this Kingdom, both in respect of Intestine and Forraign enemies; And being informed that many of these who have been most active in the late Engagement are upon designs and attempts to involve this Kingdom in new troubles, Withall having received several intelligences of imminent dangers to the Cause and this Kingdom from abroad, and being obliged in discharge of the trust committed to them, to take care of the safety of the Kingdom: As they resolve for themselves to use all lawfull means and peaceable wayes to prevent the dangers, so they have thought fit to give warning thereof to the severall Shires and Burghs, that according to the Law of God, Nature, and Nations, and according to the Duties which they by so many sacred Bands owe to the Covenant and Cause, to the King & Kingdom, they might be in a condition and posture for defending all these, and whatsomever is near and dear to them against all invasion: Likeas for the stopping of the mouth of calumny, removing all scruples and mistakes, and clearing to the consciences of all, the Lawfulnesse necessity and Justice of their resolutions and proceedings, And that they may have the greater assurance of Gods Blessing and presence to all their endeavours, The Estates of Parliament Declare and assure that they enjoyne the following Leavy of Horse and Foot for this end allanerly of meer just and necessary defence of this Kingdom from invasion, without any design or intention of invading any who shall not first invade this Kingdom; The saids Estates of Parliament do therefore hereby Ordain the whole Shires and Burghs within this Kingdom, presently to raise and put out the double of the number of Horse, and the half of the number of Foot that were appointed and designed in the yeer 1643.

*Viz.* The Sheriffdom of *Edinburgh* six hundred Foot, and two hundred Horse. The Sheriffdom of *Hadingtoun* six hundred Foot and two hundred Horse. The Sheriffdom of *Berwick* 600. Foot and 200. Horse. The Sheriffdoms of *Roxburgh* and *Selkirk* 1000. Foot and 400. Horse. The Sheriffdoms of *Fyffe* and *Kinrosshire* 1200. Foot and 440. Horse. The Sheriffdom of *Linlithgow* 250. Foot, and 120. Horse. The Sheriffdome of *Peibles* 200. Foot, and 80. Horse. The Sheriffdome of *Dumbartan* Foot, and 80. horse. The Sheriffdom of *Dumfreis* 600. Foot, and 240. horse. The Sheriffdom of *Wigtoun*, and Stewartry of Kirkcudbright 600. Foot and 240. Horse. The Sheriffdoms of *Air* and *Renfrew* 1000. Foot and 480. horse. The Sheriff-

Sheriffdom of *Lanerick* 600. Foot and 360. Horſe. The Sheriffdoms of *Stirling* and *Clackmannan* 500. Foot and 240. Horſe. The Sheriffdom of *Pearth* 1200. Foot and 480. Horſe. The Sheriffdom of *Forfar* 750. Foot and 280. Horſe. The Sheriffdom of *Kinkardine* and Earl *Marſheils* part of *Aberdeen* 600. Foot and 200. Horſe. The reſt of *Aberdeen* and Sheriffdom of *Bamff* 800. Foot and 480. Horſe. Out of the Sheriffdom of *Elgine, Nairne* and that part of *Innerneſs* on this ſide *Neſs* 500. Foot and 240. Horſe. Out of the Earl *Seaforth* and Lord *Lovats* diviſion of *Innerneſs* 500. Foot and 240. Horſe. Out of the reſt of *Innerneſs, Sutherland* and *Caithnes* 800. Foot, and 240. Horſe. Out of the Sheriffdom of *Orknay* 500. Foot; whilk ſheriffdoms aforeſaid are to put out the ſeverall proportions, and to have their Rendezvous at ſome convenient place within the reſpective Shires at the days following, *viz.* The Sheriffdoms of *Edinburgh, Hadingtoun, Berwick, Roxburgh, Selkirk, Peibles, Drumfreis, Wigtoun* and Stewartrie of *Kirkcudbright, Fyffe* and *Kinroſhire, Air, Renfrew, Lanerk, Dumbarton, Stirling, Clackmannan* and *Linlithgow* upon the day of *March* next: The Shires of *Pearth, Forfar* and *Kincardine* upon the day of the ſaid moneth of *March*: The Shires of *Aberdeen, Bamff, Elgine, Nairne* and *Innerneſs*, on the day of the ſaid moneth of *March*, And the Shires of *Sutherland, Caithnes* and *Orknay* upon the day of *April* next, And they are Ordained to be in readineſs upon Orders from the Parliament, Committee of Eſtates and General Officers, to be ready to march with fifteen dayes proviſion, 6.d. *per diem* to each Footman, and 16.s. *per diem* to each horſman, which is to be delivered to them and not to their Officers, the ſaid day of Rendezvous, they getting Orders to march by the Heretors, Liferenters and others, liable in out-putting thereof; And the ſaids Eſtates Ordains the Committees of War of the ſaids Shires, to be Judges anent the ſufficiency of the ſaids Horſmen and Armes, And the Officers not to have power to reject or refuſe any of theſe whom the Committees of War foreſaid ſhall allow of; And becauſe in this Levie the proportion anent the out-putting of Foot, is equal both for Shires and Burghs; And the whole burthen of out-putting of the Horſe lyes on the ſaid Shires, to put forth the double of what they put forth in *Anno* 1643. And that the Burghs of the ſaids Shires in all equity ought to put out their proportion of the Horſe, now to be put out by the ſaids Shires; Therefore the Eſtates foreſaids, Ordains the Burghs of the ſaids Shires either to put out the proportion of the ſaid equall half in furniſhed Troopers horſe and men, or elſe in their option three Foot Souldiers furniſhed, conform to the Act for every Trooper, of their proportion of Horſe, for relief of the ſaids Shires *pro tanto*. And the ſaids Eſtates of Parliament Ordains the Officers and Commitees of War foreſaids, not to take in charge or imploy any as Officers who have bin in the former Engagement, or are known Malignants, except upon Warrant from the Parliament or their Committee, and Commiſsion of the Church. And for the better regulating of the Horſe and Foot

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of ſuch as will not fall to put out one whole Horſe or Footman; It is Declared, that the greateſt Rent of theſe to be joyned for making up one horſe, ſhall provide the horſe, and the reſt that joyn to contribute according to an hundred and threeſcore pounds for ilk Horſmen, And who have the manyeſt men, to provide the Footmen, And the remanent that joyneth, to contribute with him according to fourty pounds for ilk Footman for their out-reik of Armes, and whole furniture belonging to them with their fifteen dayes proviſion, and where the Rent or number are equall to caſt lots: And the ſaids Eſtates Ordains the Committees of War of the ſaids Shires with adviſe of the Colonels, To do all things conform to the former Acts of Levie in preceding Parliaments as they ſhall finde neceſſary for the more ſpeedy and effectuall uplifting and out-reiking of the Horſe and Foot foreſaid, And notwithſtanding ſome perſons may be hereby overburthened, in reſpect of the meanneſs of their Rents and multitude of Tenents living upon their Lands, yet the Eſtates Ordains the foreſaid number of men, provided as aforeſaid to be put out by them, And in caſe any of them finde themſelves hereby prejudged, and make their complaint known to the Committee of War of the ſaids Shires, In that caſe the ſaids Eſtates Ordains the Committees of War of the ſaids Shires to caſt up the Accompt what the price of the ſaids Armes, Levy money and proviſion foreſaid will amount to, and ſo to provide for their relief, That the burthen may be equally upon the whole Heritors and others aforeſaid, according to their Rent as in the Maintenance, And alſo the Parliament requires the Colonells and Committees of War, to put out the Forces abovementioned in their ſaid Localities, and under their ſeverall Officers Lifted and well Armed, and ready upon order to march, ſo for the preſent, they being unwilling to burthen the Country, untill by extream and unavoidable neceſſity they be conſtrained thereto, And conſidering what at leaſt is required on preſent ſecurity from incurſions or Inſurrections of Parties, Do Ordain the third Horſe and fourth Foot abovementioned, to be preſently Levied and raiſed by the ſaids Shires at the Rendezvous abovewritten, and to be put in Troops by the Colonells in their ſeverall Localities to march from the ſaids Shires inſtantly to ſuch Rendezvous as the Generall Officers ſhall appoint, And in reſpect of the preſent neceſſity of outputting the third horſe for the ſaids Shires as ſaid is: Therefore the ſaids Eſtates Declares that they with conſent of the Commiſsioners of the ſaid Shires and Commanders foreſaids of the ſaids Horſe who are here preſent, will nominate the Root-maſters of the ſaids Horſes, And the Eſtates Delares, that the nomination of the ſaids Root-maſters by Parliament ſhall no ways be prejudiciall to the Committees of the ſaids Shires in time coming anent any power whatſomever granted to them for nomination of their own Root-maſters, conform to any preceding Acts of Leavie.

*Follows*

*Followes the list of the Colonels, Commanders, and Root masters, in the Leavy above written.*

FOr the Sheriffdome of Edinburgh, The Laird of Ricartoun, Colonel, The Laird of Inglistoun Lieutenant Colonel, and each of them to have a Troop. For the Sheriffdom of Hadington, the Laird of Wauchoun, Colonel for their foot, the Lord Generall Colonel of their horse. The Laird of Ormstoun to have a Troop for the Sheriffdom of Berwick. *Wedderburn* Colonel of their foot, the Lord General Colonel of the horse. And young *Swyntoun* to have a Troop for the Sheriffdom of *Roxburgh* and *Selkirk*, *Wedderburn* Colonel to two hundred of their foot, and the Laird of Greenhead Colonel to the rest, being eight hundred. And *Walter Scot* of Hartwoodburn Colonel to the horse. *William Ker* of Newtoun Lieutenant Colonel, who is to have one Troop, and Captain *Archbald Scot* to have another Troop. For the Sheriffdom of Fyff and Kinrose, Colonel *Colline Pitscottie* Colonel to four hundred of their foot, and *Scottiscraige* Colonel to the rest of their foot, extending to eight hundred, and Lord *Elcho* Colonel for the horse, except threescore under the command of Sir *Iames Halkhead*, and Captain *Andro Arnot* to be Rootmaster. For the Sheriffdom of Linlithgow, Colonel *Colline Campbell* of Laweris Colonel for their foot, and Sir *Iames Halkhead* Colonel for their horse. For the Sheriffdom of *Peibles* the Laird of Wauchtoun, Colonel to their foot, and Sir *Iames Halkhead* Colonel to the horse, and the Laird of Glen to have a Troop. For the Sheriff. of Dumbartan, Sir *Iames Haukhead* Col. to their horse. For the Sheriffdom of Dumfreis Sir *Iames Dowglas* of Mouswell to be Colonel to the foot, and Colonel *Gilbert Ker* Colonel to the horse, and *Cragiddaroch* to have a Troop. For the Sheriffdom of Wigtoun and Stewartrie of Kirkcudbright, the Lord Kirkcudbright Colonel to the foot, and Colonel *Will. Stewart* of Castlestewart, and Sir *Robert Adair* for their horse. For the Sheriffdom of Air and Renfrew, the Lord Kirkcudbright to be a Colonel to two hundred foot, and the Lord *Cathcart* to be Colonel to the rest, which are converted in horse, and Colonel *Robert Mongumrie* to be Colonel to four hundred and twenty of their horse, Lord *Elcho* to forty, and the Lieutenant Generall to twenty. For the Sheriffdom of Lanerk, *Hamiltoun* of Prestoun to be Collonel to their foot, the Lieutenant Generall to be Colonel to their horse, *Iames Carmichael* and young *Allantoun* to be Rootmasters. For For the Sheriffdomes of Stirling and Clackmanan, Generall Major *Iames Holburne* Colonel to their foot, and *Scotscraig* to be Colonel to their horse, Sir *Charles Erskine* to be Lieutenant Colonel, and Laird of Lundie to be Major, and ilk one of them to have a Troop. For the Sheriffdom of Pearth, Sir *George Prestoun* of Valyfeild to be Colonel to eight hundred of their foot, and to be Colonel to the rest of their foot extending to four hundred, and Sir *John Brown* to be Colonel to their horse, and *William Bruce* Lieutenant Colonel, and each of them to have a Troop. For the Sheriffdom of Forfar, the Lord *Cowpar* to be Colonel to their foot, *George* Lord *Breichen* to be Colonel

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to the horſe, and Sir *Thomas Nairne* his Lieutenant Colonel, and each of them to have a Troop. For the Sheriffdom of Kincardine, and the Earl of Marſhels part of Aberdeen, *Robert Vicount* of Arbuthnet to be Colonel to the foot, *George* Lord *Breichen* to be Colonel to the horſe, and Mr. *Robert Arbuthnet* to be Rootmaſter, and to have a Troop.

For the reſt of Aberdeen and Bamffſhire, Colonel *Arthur Forbes* to be Colonel to the foot, and the Maſter of Forbes to be Colonel to the horſe, and the Laird of Eight to be his Lieutenant Colonel, and each of them to have a Troop. For the Sheriffdomes of Elgine and Nairne, and that part of Innernes on this ſide Neſſe, Colonel *John Innes* to be Colonel to the foot, and Sir *James Halkhead* to be Colonel to the horſe, and *Robert Halkheid* to be Lieutenant Colonel, and Captain *Cranſtoun* to be a Rootmaſter, and to have a Troop. For the Earle of Seaforth and Lord *Lovats* diviſion of Innernes, Sir *James Halkhead* to be Colonel both to foot and horſe. For the reſt of Innernes, Southerland and Caithnes, the Earle of Southerland, and Laird of Dumbeath to be Colonels both to the horſe and foot. For the Sheriffdom of Orknay, the Earle of Southerland to be Colonel both to foot and horſe. For the Sheriffdom of Argyle to be Colonel to the foot, and Colonel to the horſe. And for the Sheriffdom of Bute to be Colonel to the foot, and to be Colonel to the Horſe.

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# ACT XXX.

## *Act annent the Poore.*

1. *March*, 1649.

THE Eſtates of Parliament now conveened, taking to their conſideration the great number of indigent and and diſtreſſed perſons in the ſeverall places of the Kingdome, and that they are expoſed to great miſery, through the want of a generall and orderly way of entertainment, to the ſhame and reproach of our Chriſtian profeſſion, which obliges us to the releife of our poore brethren, as being members of the ſame body.

Therefore, for remedy hereof, the Eſtates hath thought meet to ordain, that every Paroch and Presbytery ſhall be bound to entertaine their own native poor in manner following.

That there ſhall be twice in the year, at the firſt of *December*, and the firſt of *Iune* taken up in every Paroch in Burgh or Land, and Presbytery, A liſt of the poore within the ſeverall bounds *reſpectivè*: At which time there ſhall be alſo a ſolemn intimation to the Paroch, and a deſig-

nation and expreſſion by the contributers what they will give every moneth in mony or victuall for a voluntary and charitable contribution in every Paroch, for the entertainment of theſe poore people, into the number whereof there ſhall be no perſon received, who are ſlothfull and able by the labour of their hands to win their own livings, at which time the Miniſter and Elder of the Pariſhes, or ſuch as they ſhall depute, and to whom they will give power for that effect, ſhall meet with the Presbytery, to the effect they may compare the burden of the poore of every Paroch, and if the common good and weekly contribution, and that yearly benevolence, will not be ſufficient to entertain theſe poor people given up and liſted as ſaid is; Then in that caſe, the Eſtates of Parliament hereby give power to the Lords of ſecret Councell or Committe of Eſtates to grant Commiſſion to ſuch perſons as ſhall be recommended to them by each Presbytery full power upon oath to impoſe a ſtent on the ſeverall Paroches according to their ability and wealth for making up a competent entertainment to the poor perſons aforeſaid with a tenth part more for the Officers and Serjeants, which ſtent after it is divided upon the Paroches or Presbytery by the Commiſſioners, having power from the Councell or Committee of Eſtates as ſaid is, the ſame ſhall be ſubdivided and ſtented on the Heretors and others by the Elders and Deacons of every Paroch *reſpective*, with as much equality as is poſſible, wherein they are to have ſpeciall regard to lay the greater proportion on theſe Maſters that deale rigorouſly with Tennents, and thereby impoveriſh and put them to beggary, and to deale the more favourably with theſe Maſters who endeavour to maintain their Tennants, and deals charitably with them; and in diſtributing of the alms, ſpecial regard is to be had to the pious, and diſtinction to be made betwixt ſuch, and the profane deboiſt or drunken ſort. And it is declared that Magiſtrates and Councel of Burghs have hereby power to ſtent within themſelves. And the Eſtates of Parliament ordains generall Letters of Horning and poinding to be direct *gratis* at the inſtance of the Collectors appointed by the Presbytery for that effect, againſt the diſobedient, and them that refuſes to make payment of their proportion, who are hereby ordained, in caſe of the refuſall, to make payment of the double within ſix days after they be required, and diſcharges any ſuſpenſion to be granted thereupon. And ſiclike ordains every inferiour Judge to give precept of poynding upon the ſaid ſtent Roll ſubſcribed, as ſaid is; and to goe themſelves, or ſend their Deputes or Officers, to poynd thereupon ſo ſoon as they be required thereunto, With certification if the ſaid Judges fail, they ſhall be lyable to pay the double of the ſaid ſtent; And ordains the Councel or Committee of Eſtates to give out Letters thereupon.

The Eſtates of Parliament further ordains the Elders of every Paroch to take notice of theſe who being able to work or win their livings, give themſelves to a trade of begging, which perſons, the Elders are hereby warranted to apprehend and to put them upon imployments, whereby the country may be eaſed of an unprofitable burden, and lawfull induſtry

induſtry maintained through the Land; Hereby ordaining that none be ſuffered to beg from houſe to houſe under pain of impriſonment, and other puniſhments contained in the former Acts of Parliam. And becauſe the forerunning of vagabands and ſturdy beggars, doth hinder the expreſſions of charity toward thoſe that are truly indigent. Therefore it is ordained that none ſupply or reſet theſe vagabands, ſturdy beggars whether men or women under the pain of five pounds *toties quoties*, to be paid by the contraveener towards maintenance of the poor, and each neighbour is hereby commanded to help one another, in caſe ſuch ſturdy beggars ſhould offer to enter into their houſes againſt their will, and the ſaid beggars being apprehended by the Heretors or others, being enquired where they dwell, or where they were born. The Heretors hereby are ordained to take them to the next adjacent Judge, or his Deputes, they being found in Landward by the Sheriff, to be convoyed to the next Sheriff, and being found in the town, to be convoyed from Burgh to Burgh, who are hereby ordained to receive them, and convey them from one Burgh or Shire to another, until they be brought to the place where they were born, which Pariſh ſhal be obliged to receive and entertain them as one of their own, with the reſt of the poor of the Paroch, and in caſe they be found able to work, the ſaid Paroch ſhall furniſh them employment, and keep them on work, ſo as they may be anſwerable for them, to the effect they may not be permitted to wander over the Kingdom, as before; And if any Sheriff or Magiſtrate of Burgh refuſe to receive them and take them off their hands who preſents them. The ſaid Sheriff or Magiſtrate ſhall be ſuſpended from his office by the Councell or Committee of Eſtates, and pay the ſumme of 40. l. and for the third fault ſhall loſe their offices and Priviledges during their life time, and when they come to the place of their alleadged nativity, if they cannot clear their birth there, that they be reckoned amongſt the ſupernumerary following.

Like as the Eſtates gives hereby power to any of his Majeſties ſubjects to take and apprehend ſuch idle and ſturdy beggars, and to employ them or diſpoſe of them to others to be imployed in work for their meat and cloath allanerly. And for the better executing of this foreſaid Act at one time throughout al the Kingdom, they ordain the ſame to begin in all parts of the Kingdom upon the firſt of *Auguſt* next to come, & from thence forward to be duely proſecuted, untill the ſame take due effect, With power to the Councel or Committee of Eſtates, in caſe any impediment interveen to appoint a new day to this purpoſe, as they ſhal think expedient. And if any that are aged, lame, blind, and weak, cannot condiſcend upon the Paroch where they were born, (as being the offſpring of ſuch beggars as never had a conſtant reſidence) theſe are to be kept amongſt the poor of that Presbytery where they are apprehended, untill a liſt of their names be ſent unto Councell or Committee of Eſtates, who are to have power to divide and proportion theſe ſupernumeraries, amongſt ſuch Presbyteries and Shires in the Kingdome, as have leaſt burden, and are moſt able to bear them.

Likeas the Parliament recommends to the Generall Assembly or their Commissioners to propone such Overtures as may represse the scandalous and Godless behaviour of these lewd Vagabonds, who hitherto hath been liable to no good order of Discipline, and to the effect this Act may be put in execution, It is Ordained and required that every Presbyterie make account of their diligence herein to the subsequent Synods and the Provinciall Synods to the Generall Assembly; And in case it shall happen through the Providence of God, that any through burning, Ship-wrack, devastation, or any such like accident fall into distresse or poverty. It is Ordained, that these having a sufficient Testimonial and recommendation from the Presbyterie to which they belong, they shall have the supply of a voluntary charity of these places next adjacent to them, or such other places as the Counsell or Committee of Estates shall think fit.

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# ACT XXXI.

## *Act against these at* Innerness, *who have risen in Armes against the Kingdom.*

2. *March* 1649.

THE Estates of Parliament taking into their serious consideration, the Rebellious and insolent attempts, and practises of certain wicked and Malignant persons within this Kingdom, who with and under the Command of *Thomas Mackenzie* of *Pluscarden*, Sir *Thomas Vrquhart* of *Cromarty*, Col. *Hew Frazer*, *John Monro* of *Lumlair*, and certain others their complices having most perfidiously broken, violated, and cast off all the Bands of Religion, and the Solemn Covenant, against the Laws of Nature and this Nation, are risen in Armes, and by open Rebellion have seized upon the Town and Garrison of *Innerness*, thereby intending so far as in them lies, for their own base ends, to lay the foundation of a new, Bloody and Unnatnrall War within the bowels of this their native Countrey. Therefore the Estates of Parliament Declares the said Persons, and all such as shall hereafter joyn with them to be guilty of the crime of high Treason, and to be proceeded against accordingly; And to the end none may be ensnared in so detestable and horrid an enterprise; Do hereby discharge and prohibite all Persons of whatsoever degree, ranke, or quality within this Kingdom from joyning with, or giving assistance to, or supplying with Armes, Money, Ammunition, Victuall, Counsell, Intelligence, or keeping correspondence, private or publique meetings, or giving any other aid or countenance to the said Rebels or any of them, under the pain of being esteemed

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as Rebels, and to be proceeded againſt as Enemies to Religion, the Kings Majeſtie, and the good and peace of the Kingdom; And further the Eſtates of Parliament do hereby give Power and Warrant to all the good Subjects of this Kingdom to riſe in Arms for oppoſing, and for hindering and ſuppreſsing the ſaids Rebels, and impeding their ſo wicked and Rebellious practiſes, as they ſhall be required by the Generall, Lieutenant Generall *Leſly*, or any having power from them for that effect, Hereby giving power and Commiſsions to the General or Lieutenant General, to reclaim, remit and pardon ſuch who being out of ſimplicity deceived or enſnared in this pernitious enterpriſe, ſhall now quit, renounce and diſclaim the ſame, And give aſſurance for their good behaviour in time coming, they always accepting and embracing their pardon within ſuch a ſpace as the Lieutenant General ſhall think meet to grant, whereby ſuch as are not incorrigible may be reclaimed and reduced to due obedience, And the obſtinate may be left altogether without excuſe; And for the greater encouragement of theſe who ſhall ſuffer prejudice in oppoſing or ſuppreſsing the ſaids Rebels: The Eſtates of Parliament hereby declares, that the ſufferings and the loſſes of thoſe wel-affected, who behaves themſelves forwardly and actively in this cauſe againſt the Rebels, ſhall be taken into ſpeciall conſideration, and repaired out of the means and eſtates of thoſe who ſhall remain obſtinate in the ſaid courſe of Rebellion, as their carriage and faithfulneſs ſhall deſerve: And Ordains theſe preſents to be Printed and publiſhed at the Mercat Croſſe of *Edinburgh*, and other places needfull.

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# ACT XXXII.

## *Act againſt Worſhippers of falſe gods.*

3. *March* 1649.

THE Eſtates of Parliament conſidering, that divers of the Subjects of this Realm Trades in their Civill affairs with Heathens, whoſe abominations they may poſſibly learn, and thereby be defiled, and defile others; And not willing to leave ſins of ſo high a nature to an Arbitrary puniſhment, do Statute and Ordain that whoſoever ſhall worſhip a falſe God, ſhall be put to death without pardon.

# ACT XXXIII.

## *Act against beaters or cursers of their Parents.*

3. *March*, 1649.

THE Estates of Parliament considering how great and attrotious a crime it is for children to beat or curse their Parents, And how the Law of God hath pronounced just sentence of death against such as shall either of these wayes injure either of their Parents, Do therefore Statute and Ordain, That whosoever son or daughter, above the age of sixteen years, not being distracted, shall either beat or curse, either their Father or their mother, shal be put to death without mercy, And such as are within the Age of sixteen years to be punished at the Arbitrament of the Judge, according to their deservings, That others may hear, and fear, and not do the like.

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# ACT XXXIV.

## *Act anent the additionall Excise.*

7. *March* 1649.

THE Estates of Parliament taking to their consideration, That the necessary charges of this Kingdom, during the time of the troubles thereof are still growing, And that the Excise which hath been formerly imposed upon the Exciſable goods, will not prove very effectuall without some further addition to be made thereto; Therefore the saids Estates do hereby adde to the Excise formerly granted eight pennies for each pinte of French Wine more nor it pays presently, sixteen pennyes for each pinte of Sack, Rhenish Wine and other Wine of that nature, and strong Waters Imported more nor it pays presently: And that the particulars following, pay the particular Excise aftermentioned, *viz.* Ilk pound of Tobacco, three shilling, ilk Ox, Cow or Bull of sixteen pounds price or above exported, three pounds; ilk sheep exported eight shilling; ilk Stirk exported, thirteen shilling four pennyes; ilk Lamb or Kid three shilling, each exported Horse or Mear above the value of twenty pound, four pounds of Excise; each Horse or Mear of the value of twenty pound or under, fourty shillings of Excise; And that the exported Merchant Commodities pay Excise as formerly: And for the imported Merchandise, that the same pay according

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to the quality contained in the former Act of the date the tenth day of *March* 1647 years, The double of the Excise therein contained, *Inde* of each pound worth two shillings, And the remanent Excisable goods to stand according as the same are set down in the table contained in the said former Act of Excise: And the saids Estates, Ordains the foresaid additional Excise, to be paid and uplifted, As in the said former Act of Excise, And the Excise of the Wines to begin presently, and other Excisable goods upon the first of *May* next, and to continue and endure for the space of three years after the date hereof: And siclike the saids Estates of Parliament, give power, Commission and Warrant to the Commissioners nominate for the Excise, to Ferme and Set the same in Tak, as it is now added, to the best avail that can be had therefor, Without prejudice always of the confiscation of any of the particular goods Excisable abovementioned (whilks are discharged to be transported) by the Thesaurer or his Deputies, conform to the former Acts.

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# ACT XXXV.

## *Act anent these Persons who are to be Fined, and from whom moneys are to be borrowed.*

7. *March* 1649.

THE Estates of Parliament now presently conveened, Taking to their consideration, the manifold burdens under which the Kingdom lies, and great sufferings of many wel-affected, for whose subsistance the Publick will be addebted unto them great summes of money, and finding themselves obliged to provide some effectuall means for satisfaction thereof; Therefore the saids Estates Ordains a Commission to be granted bearing a power to these who shall be therein nominate, or *Quorum* thereof for borrowing of money, according to the restrictions contained in the Act at St. *Andrews* of the date the day of One thousand six hundred and fourty yeares: And in respect that one of the restrictions of the said Act bears, That these who have lent moneys should not be urged to lend againe; yet notwithstanding thereof it is Declared, that these who have onely lent to the unlawfull Engagement, and these who being formerly processed and advanced money under the name of lending, are Declared not to be exeemed from lending, as also bearing a power for borrowing in an ordinary way from those who have been imployed in the publick service, and have been faithfull in their places,

Places, and have not formerly lent, and in like manner from borrowng from those who having payed money by publick Warrants have tak, good-deed, or gratitude from the parties to whom they payed the same, With power likewise to these contained in the Commission or *Quorum* thereof foresaid, To fine such Collectors and Intromettors with the publick dues, as have not charged themselves faithfully with all the publick money and provision intrometted with by them, Such as have discharged themselves of more nor they have really disburst or given out, Such as at their own hand have taken more allowance nor was due to them for their service, Such as have taken greater prices from the publick nor they did pay themselves, for victuall or other provision being intrusted by the publick, and not by way of bargain, Such as have intrometted with any publick money, or other goods belonging to the publick, and concealed, and not compted for the same, Such as have made and bigged up great sums and compts upon the publick by unwarrantable grounds, Such as have made up great Regiment-Accompts for more number of Souldiers then they truly had, Such as have applyed the money due to the common Souldiers and Regiments to their own uses, Such as have taken double payment for Quarters, *viz.* who have taken pay of the publick, and yet have taken free Quarters of the Country, Such as have exacted or uplifted money of the Lieges without a Lawfull Warrant, Such as have taken money for Levies of Horse or Foot, and hath applyed the same to their own use, Such as have made themselves good fortune in the publick Service, and turned in opposition to the Covenant, as occasion offered; and this not to be extended to these who timously accepted the benefit of the Treaty at *Stirling*, Such as have any wayes wronged or abused their Trust in the publick service, Such who in publick Callings or Offices have extorsed the Lieges.

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ACT

# ACT XXXVI.

## *Act anent the filling of the places of the Principals of Philoſophy, within the Vniverſity of* St. Andrews.

7. *March* 1649.

THE Eſtates of Parliament now preſently conveened in the ſecond Seſſion of this ſecond Trienniall Parl. By vertue of an Act of the Committee of Eſtates, who had Power and Authority from the laſt Parl. for conveening the Parl. Having taken into their ſerious conſideration, an Act of the Commiſſion appointed by the late Generall Aſſembly, and this preſent Parliament, for Viſitation of the Univerſity of St. *Andrews*, whereof the Tenor followes. At *Edinburgh* the third day of *March*, 1649. yeeres. The Commiſſioners appointed by the late Generall Aſſembly and preſent Parliament for Viſitation of the Univerſity of St *Andrews*, Taking to the their ſerious conſideration, of how great and publick concernment it is, That the principall places of Colledges in the Univerſity, when they ſhall happen at any time to vaike, be planted with men not only able for learning, but alſo eminent for gravity, and of known integrity, godlineſſe, and good affection to the publick cauſe of Religion, conſidering that already upon the ſame ground of publick concernment, All the places of the new Colledge are planted by the direction and Call of the Generall Aſſembly: And furthermore that long agoe in the firſt Parliament of King *James* the ſixt, Act. 11. It is appointed upon good and weighty reaſons expreſſed in the ſaid Act, That none be permitted, nor admitted to teach & inſtruct the youth in Univerſities & Colledges, But ſuch as ſhall be tryed and approven by the Rulers of the Kirk, Doe herefore ordain that henceforth the places of the Principles of the Philoſophick Colledges in the ſaid Univerſity, when they ſhall happen at any time to vaik, ſhall not be planted but by the adviſe and and authority of the Generall Aſſembly, Doe approve and ratifie the ſaid Act in the whole heads and clauſes thereof; and ordains the ſame to have the ſtrength of a Law and Act of Parliament in all time comming.

# ACT XXXVII.

## *Act of Maintenance for three Moneths.*

7. *March*, 1649.

THE Estates of Parliament, now presently conveened in this second Session of the second Triennall Parliament, by vertue of an Act of the Committee of Estates, who had Power and Authority from the last Parliament for conveening the Parliament, Having considered the dangerous posture of affaires in this Kingdom, both in respect of Intestine and Forraign Enemies,; And being informed that many of these who have been most active in the late Engagement, are upon Designs and Atrempts to involve this Kingdom in new troubles, Withall having received severall intelligences of eminent dangers, to the Cause, Covenant, and this Kingdom, from abroad; And being obliged in discharge of the trust committed to them, to take care of the safety of the Kingdom, As they resolve for themselves, to use all lawfull means and peaceable wayes to prevent these dangers, so that they have thought fit to prorogate and continue the monthly Maintenance, as the same was imposed upon the Kingdomes in the moneths immediately preceeding the moneth of *February* last, without the deduction of a third, and with a fift part more nor was payed in the saids preceding moneths, And that for the moneths of *March* instant, *April* and *May* thereafter following, whilk shall be payed by the Shires and Burgs, without any deduction or defalcation; And therefore Statutes and Ordains, That ilk Burgh and Shire within this Kingdome are and shall be liable, and obliged in payment of the particular summes of money underwritten for the saids three moneths, And that betwixt and day of each moneth of the said three moneths, And Ordains the same to be payed to Sir *James Stewart* of Kirkfield Knight, Provest of Edinburgh, Thesaurer of the Army, and Collector Generall of the said Maintenance, or his Deputies, or sub-Collectors; And that the summes to be paid by the severall Shires and Burghs, be as follows, *viz.*

The Sheriffdome of Orkney of monethly pay, 1371 l. 12 s. Innernes 5011 l. 4 s. Caithnes 1134. l. Cromarty 118. l. 16 s. Sutherland 507 l. 12 s. Nairn 378 l. Elgine 2268 l. Aberdeen 7847 l. 12 s. Bamff. 1717 l. 12 s. Kincairdin 1879 l. 4 s. Forfar 6004. l. 16. s. Perth 9601. l. 4 s. Fyfe 7970. l. 8 s. Stirling 3045. l. 12 s. Kinrose 172 l. 16 s. Clakmannan 626. l. 8 s. Edinburgh 5000. l. 8 s. Linlithgow 2095 l. 4 s. Hadingtoun 4060 l. 16 s. Berwick 4266 l. Roxburgh 6933 l. 12 s. Selkirk 1533 l. 12 s. Peebles 1965. l. 12 s. Lanerk 6458. l. 8 s. Air. 7279. 4 s. Wigtoun and Kircudbright, 5248 l. Dumfreis 5335 l. 4 s. Renfrew

Renfrew 2646.l. Dumbartan 1479.l. 12.s. Argyle 3487.l. Bute 550.l. Followes the ſums payable monethly by the Burghs, conform to their taxt Roll, *viz.* Edinburgh 6208.l. 16.s. Perth 972.l. Dundie 1440.l. Aberdeen 1512.l. Stirling 288.l. Linlithgow 388.l. 16.s. St. Andrews 936.l. Glaſgow 1836.l. Air. 410.l. 16. s. Hadingtoun 388.l.16.s. Dyſert 324.l. Kirkcaldie 720.l. Monroſe 388.l. 16.s. Cowpar 259.l. 4.s. Anſtruther-eiſter 216.l. Dumfreis 324.l. Innernes 540.l. Brechine 264. l. Irwing 302.l. 8.s. Elgine 162.l. Jedburgh 151. l. 4. s. Kirkcudbright 216.l. Wigtoun 162.l. Pettinweym 144.l.8.s. Dumfirling 194.l. Dumbartan 194.l. 8.s. Renfrew 108.l. Lanerk. 194 l. 8.s. Aberbrothok 97. l.4.s. Bruntiland 259 l.4 s. Peibles 129.l.2.s. Craill 259. l. 4. s. Kinghorn 129.l. 12.s. Trayne 108.l. Selkirk 151. l. Anſtruthe weſter 64. l. 16.s. Culroſs.108.l. Dumbar 216.l. Bamff.86.l. 8.s. Whithorn.54. l. Forfar. 32.l. 8.s. Rotheſay 72.l. Forres 64.l. Rutherglen 54. l. Northberwick 43.l. 4.s. Cullein 32.l. 8.s. Nairn 43. l. 4. s. Lauder 54. l. Innerkeithing 108.l. Kilraynie 32.l. 8.s. Annan 36.l. Lochmaben 21. l. 12.s. Sanquhar 32. l. 8. s. Galloway 21. l. 12. s. Dingwall 21.l.12.s. Queinsferrie 129.l. 12.s. Dornoch 21.l. 12.s.

For the better inbringing and collecting whereof, The ſaids Eſtates of Parliament allowes to the ſaid Collector, Deputies, one or more in each Shire, to be nominate by the Committee of Warre thereof, betwixt the day of inſtant, ſuch Fees as the Committees of Shires ſhall allow, not exceeding the former allowance, whilk Collectors Deputes ſhall finde ſufficient Caution to the Generall Collector, wherein if the Committes of War ſhall fail, the generall Collector atte the day foreſaid to appoint his own ſub-Collector in theſe Shires who ſhall fail to nominate and finde ſurety betwixt and the day forſaid: And that the ſaid ſub-Collectors be comptable to the Committees of War of their intromiſſion with all publick dues to be uplifted by them, and how the ſamen are given out and imployed, without prejudice of their making compt and payment to the generall Collector of the maintenance due by the Shires; The Burghs alwayes being free of the foreſaids Fees: And the ſaids Eſtates Ordains that the Letters and charges to follow upon this Act for payment of the foreſaid three moneths Maintenance, ſhall be raiſed and direct at the inſtance of the ſaid Sir *James Stewart*, againſt the ſub-Collectors of Shires, Magiſtrates of Burghs; And at the inſtance of the Collectors of Shires and Magiſtrates of Burghs *reſpective*, againſt the ſub-Collectors of Parochs, Heretors, Fewares, Life-renters and others indebted in payment of their ſeverall proportions of their three moneths Maintenance now impoſed; And with power to the ſaid Sir *James Stewart*, that if any Shire or Burgh be deficient in payment of their parts of the foreſaid three moneths Maintenance, to imploy any forces that ſhall happen to be upon the bounds for the time, or in the next neighbouring bounds adjacent thereto, for uplifting of the ſaid three moneths Maintenance from the deficient Shires, Burghs, and Paroches, Which Troops are to receive their entertainment from the deficients at the ordinary rates, beſide

ſide the payment of their Maintenance; And the ſaids Troops or Parties ſhall not be imployed to quarter upon the deficients, till firſt there be ſix dayes warning given to the deficients, or at the Paroch Kirks where their Lands lyable for the ſaid Maintenance lies: And it is hereby Ordained, That the Committees of War in the ſeverall Shires, ſhall be aiding and aſſiſting to the ſaid generall Collector herein, for inbringing of the ſaid three moneths Maintenance; And in regard of the prorogating of the foreſaid Maintenance on the Shires and Burghs for the foreſaids three moneths of *March*, *April* and *May*, It is Statute and Ordained by the Eſtates of Parliament, That every debtor ſhall have retention from the creditor of one and a halfe, and a fift part more of each hundreth of one yeers annual rent proportionally for the ſaids three moneths, ſo that the debtor ſhall be liable in paiment of ſix Merks, two ſhillings eight pence of annual rent of each hundred Merks of ſtock proportionably, according to the ſaids three moneths: And in regard of the preſent diſtreſſed condition of the Sheriffdomes of Argyle and Bute, Ths Eſtates doe exeem the whole Sheriffdome of Argyle from all payment of the foreſaid three moneths Maintenance of *March*, *April*, and *May*, except the Lands of *Morven*, *Ardgour*, *Kingerloche*, and the Iſles of *Mule*, *Tery*, *Cole*, *Icolumkilne*, *Muck* and *Rowme*, the Maintenance whereof is aſſigned to *Hector Maccleane* of *Torlosk*, for keeping the ſtrength and Garriſon of Barnebpil; As alſo exeems the Sheriffdomof Bute from all payment of the equall halfe of the ſaids three moneths Maintenance, and Ordains the ſame Shire of Bute, to be onely liable in payment of the other halfe of the ſaids three moneths Maintenance, and to be proportionably paid by the Heretors and others liable in paiment thereof through the whole Shire of Bute; As alſo the Eſtates declares this preſent Act to be without prejudice to the Act granted in favours of the Town of Innernes of the fift of *January*, 1647. That any Taxations or Impoſitions to be laid on that Town, be allowed to them in part of their loſſe, conform to the Tenour of that Act. And laſtly it is Ordained, That no ſuſpenſion be granted without conſignation, And that all Heretors within Burghs, Pendicles and Liberties thereof, ſhall contribute with them for payment of the maintenance, as is contained in the Act of the 27. of *February*, 1645. And the ſaids Eſtates Ordains, That the Lands and Teinds ſhall pay the foreſaid Maintenance, as they lie locally in Shires and Burghs, conform to the former Acts of Maintenance; And it is hereby Declared, that this Act is to be without prejudice of the priviledges of the Lords of Seſſion, conform to the former Acts of Maintenance; And to the effect it may be clearly known, what publick monies of tenth or twenty penny, Loan, Taxt, by-gone Maintenance, and borrowed monies is yet reſting unpayed by the Shires and Burghs, or uncompted for and unpaid by the ſub-Collectors to any generall Commiſſary, or not compted and allowed them: The Eſtates of Parliament, doe hereby give Power ond Warrant to the Committees of Warre in the ſeverall Shires to take particular tryall thereof, conform to the Parliaments Letters direct to them for this effect of the

day

day of *February* last, and thereafter to make report thereof to the Parliament or Committee of Parliament, with all convenient diligence; And the Estates discharges any Heretor within this Kingdom, to exact any part of his Maintenance from their Tennents, except where the Committee of Warre upon hearing the Heretors and Tennents, shall find the Lands to be set to these Tennents with such ease and expresse condition, as thereby the Tennent is both liable, and bound to relieve him thereof.

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# ACT XXXVIII.

## *Act in favours of the Vassals of Kirk-lands.*

8. *March* 1649.

THE Estates of Parliament now presently conveened in the second Session of the second Triennall Parliament, by vertue of an Act of the Committee of Estates who had power and Authority from the last Parliament for conveening of the Parliament, Do hereby ratifie and approve all and whatsomever Acts of Parliament formerly made anent the Superiorities of Kirk-lands, Declaring the same to pertain to his Majestie and his Successors, or annexing the same to his Highness Crown; Declaring the haill casualities of the saids Superiorities not disponed before the 17. of *January* 1627. with the haill Few-mails, Few-ferms and others Rents of the saids Superiorities sensyne to belong to his Majestie, reserving always to the Lords and Titulars of Erection, mentioned in the 14. Act of his Majesties first Parliament, the Few-mails and Few-fermes until they be satisfied in manner therein contained, and without prejudice to them of whatsomever Lands and others belonging to them in property, in manner mentioned in the said Act; And farther, the saids Estates of new Declares the foresaids Superiorities of all and whatsomever Kirk-lands, Milnes, Woods, Fishings and haill pertinents of the same, pertaining of before, To whatsomever Archbishops, Bishops, Pryors, Prioresses, Preceptors, and whatsomever other benefits of whatsomever other estate, degree, title or designation they be of, erected or not erected in temporall Lordships, Baronies and Livings to pertain to his Majestie and his Highness Crown, therewith to remain in all time coming, and by thir presents, Casses and Annulls the Reservation mentioned in the foresaid Act of the Superiorities of the Lands and others pertaining to the Archbishops, Bishops, and the Chapters for the time, And also declares all and whatsomever, Grants, Rights, or Infestments of any of the saids Superiorities with all Warrants, Taks, Commissions, Bailiaries or Deputations for entring of the Vassals thereto made and granted by his

his Majestie in any time by-gone, since the surrender in *Anno* 1627. or to be made in time coming with all other gifts and donations of the saids Few-duties formerly belonging to the saids Lords of erection, And made by his Majestie after the surrender, and before the redemption thereof from the saids Lords and all Heretable and irredeemable Rights granted by his Majestie after the Redemption whereby the profits, casualities, and emoluments of the superiority of the saids Kirk-lands may be conferred to any other person, except the proper Vassals thereof directly or indirectly of whatsomever name, title or designation they be of, and all gifts of new Regalities or Jurisdictions to be Null, by way of exception or reply, Reserving alwayes to these persons who have right to the Few-duties, their right and title thereto, while the same be redeemed from them, either by his Majestie, or the Vassals in manner after specified. And discharges the Treasurer-principle, and Depute-Commissioners of the Treasury, and remanent Lords of Exchequer, Writers to, and Keepers of the Seals from all passing and expeding any such new Grants, Rights, Infeftments, Taks, Warrants, Commissions, Baylliaries, or Deputations for entring of Vassals, Excepting allanerly such Infeftments and Signators, as shall be granted by the Lords and others who had formerly right to the saids Erections, and Superiorities, whereby they may have right to claime the Few-ferms and Few-duties adebted by the Vassals and others subject in payment thereof allanerly, Ay and while they be satisfied therefore in manner specified in the 14. Act of his Majesties said first Parliament, Excepting alwayes herefrom the Duke of Lenox, his right of the superiority of the Barronie of Glasgow conform to the foresaid Act, excepting likewise herefrom all mortifications and lands therein contained, to Universities, Colledges, Schooles, Hospitals, and other pious uses; And siclike all and whatsomever dotations or mortifications, and lands therein contained, pertaining to his Majesties Royall Burrows in manner contained in the 33. Act of his Majesties Parliament, in *March* 1647. And all other Rights of Superiorities of Kirk-lands, and others foresaids acquired, and pertaining to the Burrows Royall, or to their Colledges, Schooles and Hospitals preceding the day and date hereof, and what they shall acquire hereafter, excepting also from this present Act, In the like manner and form as is excepted, for the Burrows in the foresaid Act, 1647. The Rights of the lands of *Larg* and *Kincarden*, and seventeen Akers of land lying about the Burgh of Culros with the Few-fermes thereof, and superiorities therein specified, pertaining to Mr. *Alexander Colvil* Professor of Divinity in the Colledge of St. *Andrews* conform to the Infeftments and Rights made to him and his Predecessours thereof, excepting likewise the Signator granted to the Earl of Eglingtoun, and the Lord *Montgomerie* of the Abbacie of Kilwining, with the Declaration, and Conform to the Tenour of the said 33. Act of his Majesties Parliament upon the 24. of *March*, 1647. Excepting likewise from this present Act, the Infeftment and Right of the Few-duties of the Abbacie of Aber-

brothock

brothock granted to *Patrick* Earl of *Panmure*, in reſpect he hath not right to the Few-duties of the ſaid Lordſhip by vertue of his Majeſtie of worthy memory his Decreet Arbitrall and reſervation contained in the ſame, as likeways in the Act of Parliament 1633. But his right to the ſaids Few-duties were acquired by him at a very dear rate from *Wil. Murray* his Majeſties ſervant who had right from the King his Majeſty. Likeas the ſaid *William Murray* his Infeftment and the Charters and Infeftments upon his reſignation granted to the ſaid *Patrick* Earl of *Panmure* are not onely ratified, but alſo the Few-duties are diſſolved from his Majeſties Crown, and from all annexation thereof, conform to an Act of the date the 27. of *July* 1644. And the ſaid *Patrick* Earl of *Panmure* cannot be Ordained to diſpone his right to the Vaſſals of the ſaid Lordſhip, or any ſum as being liable to accept the like ſum from his Majeſtie for Redemption thereof, becauſe he hath not right to the foreſaids Few-duties by the reſervation foreſaid, neither is he liable by his right to receive any ſums of money from his Majeſtie for redemption thereof, And the ſaids Vaſſals cannot crave to be in a better caſe nor his Majeſtie, or the whilk cauſe the exception foreſaid is granted as ſaid is: And by thir preſents annuls, that clauſe whereby the Eſtates did then remit all by-gone right and Infeftments, Warrants, Commiſsions, and others therein mentioned of the Superiorities of Kirk lands already paſt ſince the year 1633, To the deciſion of the Lords of Seſsion, And farther, the Eſtates of Parliament Decerns and Ordains the ſaids Lords of Erection, and others in whoſe hands the ſaids Few-mails and Few-duties remains, untill they be redeemed by his Majeſtie, to accept the ſame ſums from the Vaſſals themſelves, whilk they are liable and bound to accept from his Majeſtie for Redemption thereof, And to diſpone all right and title they have to the ſaid Few-ferms, Few-mails, and caſualities and Few-duties of the ſaids Superiorities, And denud themſelves of the ſame within fourty dayes after they ſhall be required thereto, And in caſe of refuſall by the ſaids Lords and Titulars of Kirk-lands the ſums of money whereupon the ſaids Few-mails, and Few-duties are redeemable, ſhall be offered and conſigned in the Dean of Guilds hands in *Edinburgh*, upon the perill of the conſigner for redemption thereof, whereby the ſaids proprietars may be in the ſame caſe, anent the right and poſſeſsion of the ſaids Few-ferms and Few-duties, as the ſaids Lords and Titulars of Kirk-lands now are, reſerving alwayes the right to his Majeſtie to redeem the ſame upon the ſaids ſums, conform to the Act of Parliament: And it is hereby declared, that the Vaſſals ſhall have the benefit of this Act, they paying yearly to his Majeſtie one fift part more of his Few-dutie nor his preſent Few-dutie is, And alſo after retention of the ſame Few-dutie by the ſpace of fifteen years (the Vaſſall in the mean time making payment to his Majeſtie of the fifth part foreſaid) That the Few-dutie foreſaid ſhall be declared to be lawfully redeemed thereby by his Majeſtie, without payment of any ſums of money; And his Majeſtie in all

time

time thereafter, to have the full right to the Few-dutie foresaid, and fifth part abovewritten. It is likeways declared that the Vassals of Archbishops, Bishops, Priors and Prioresses, Preceptors and other benefits of whatsomever estate or degree, title or designation they be of, and are not erected in Temporall Lordships, whose Few-duties have been given and disponed by his Majestie by gift or other right to any persons by whatsomever manner of right shall have the same benefit of redeeming their foresaids Few-duties from the said Persons having right thereto by payment to them or consigning as aforesaid in case of their refusall the like years purchase as is abovespecified, whilk shall be always redeemable again from, and expire to them in favours of his Majestie in the same manner as is above expreſt: And it is hereby Ordained that the Heretors, who gets the benefit of buying of his Few-dutie from the Lords of Erection, or others having right thereto, shall relieve him of the Blensh-dutie payed by him to the King, And of the contribution payable to the Colledge of Justice and that proportionally, And Declares and Ordains the Lords of Counsell and Session or his Majesties Commissioners of Thesaurie and Lords of Exchequer at the option of the pursuers, to be Judges Competent to all citations and actions to be intended at the instance of any of the saids Vassals, after the offer and consignation abovementioned, against the saids Lords and others Titulars, for denuding them of the saids Few-mails and Few-duties, And for securing of the saids Vassalls thereintill, And in the mean time Ordains the saids Lords of Erection and Titulars of Kirk-lands to accept the same or like prices for the saids Few-fermes and Few-mails from the saids Vassalls, as are or shall be Ordained and modified by the saids Commissioners of Exchequer, to be payed for his Majesties other Rents of the like kinde, And because the benefit of this present Act will be of no effect to such Vassals as have small and mean proportions of Lands, in respect they are not able to bear the expense of passing their Infeftments through the seals, For remede whereof the saids Estates Statute and Ordain, That the Infeftments of all Tenents and proportions of the said Kirk-lands, not exceeding the yearly Rent of three hundred Merks, shall passe and be expede by the Exchequer and great seal *per saltum* without any necessity of the other seals, And Ordains the precept of seizing to be contained in the Infeftment, And Declares the same so passed to be as valid as if they had past the same through the hail Seals, And the Estates declares that he in whose hands the said infeftments is past, shall be only liable in payment of the sum of four pounds for parchment to write the same on, and wax for the seal, and four merks for writing the same Infeftment, whilk sum of ten merks is likewayes declared to be sufficient for the price of the Brieve, Retour, and precept granted in favours of any of the saids Vassals at the time of their entring Heirs to their predecessors, And their shall be onely one Brief, Retour, and precept of Heirs Portioners, whilk is to be given out and expede for the like sum allanerly, And the saids

ſaids Eſtates Ordaines the compoſitions of the Infeftments foreſaids of the ſaids mean Vaſſals, to be paſt *gratis* by the Lords of Exchequer, and to be written out and paſt the great Seal within ſix dayes after the giving in thereof, to the director of the Chancellary and if the ſame be not expede by writing thereof, and appending the Seal to the ſame within the ſpace foreſaid, that the writer to, or appendar of the great Seale, in whoſe default the failzie is, ſhall content and pay an yeers rent of the lands contained in the Infeftment, craved to be expede, the one half thereof to be payed to the party in whoſe favours the infeftment is granted, and the other halfe to the Exchequer for his Majeſties uſe. And ſicklike the ſaid Eſtates Decernes and Ordaines that all Vaſſalls of the ſaids Kirk-lands, whoſe Tenements being Houſe, Yeards, Ruids, or Akers of of Land, not exceeding twelve Akers, the ſame being within Regality, or Burgh of Barronie, or of Regality; ſhall have liberty to expede their Infeftments by the Baylies of the ſaid Regalities and Burghs *reſpective*, who ſhall be obliged to make compt and payment in the Exchequer for the Few-duties and Caſualities belonging to his Majeſty forth of the ſaids Tenements, and ſhall receive the ſaids Vaſſals *gratis*.

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# ACT. XXXIX.

## *Act aboliſhing the Patronages of Kirks.*

*9. March* 1649.

THE Eſtates of Parliament being ſenſible of the great obligation that layes upon them by the Nationall Covenant, and by the Solemn League and Covenant, and by many deliverances and mercies from God, And by the late ſolemn engagement unto duties, To preſerve the Doctrine, and maintain and vindicate the Liberties of the Kirk of *Scotland*, and to advance the Work of Reformation therein, to the utmoſt of their power; And conſidering that Patronages, and Preſentations of Kirks, is an evill and bondage, under which the Lords people and Miniſters of this land have long groaned, and that it hath no warrant in Gods word, but is founded onely on the common law, and is a cuſtome Popiſh, and brought into the Kirk in time of ignorance and ſuperſtition, And that the ſame is contrary to the ſecond book of Diſcipline, in which upon ſolid and good ground, it is reckoned among abuſes that are deſired to be reformed, and unto ſeverall Acts of Generall Aſſembly, And that it is prejudiciall to the liberty of the people, and planting of Kirks, and unto the free calling and entrie of Miniſters unto their charge. And the ſaid Eſtates being willing and deſirous to promove and advance the Reformation foreſaid, That every thing in the houſe of God may

be ordered according to his Word and Commandement, Doe therefore from the ſenſe of the former obligations, and upon the former grounds and reaſons diſcharge for ever hereafter. All Patronages and Preſentations of Kirks, whither belonging to the King or to any Laick Patrone, Presbytries or others within this Kingdome, as being unlawfull and unwarrantable by Gods Word, and contrary to the Doctrine and Liberties of this Kirk; And doe repeal, reſcind, make voyd, and annull all gifts and rights granted thereanent, And all former Acts made in Parliament, or in any inferiour Judicatory in favours of any Patrone or Patrones whatſoever, So farre as the ſame doth or may relate unto the Preſentation of Kirks, And doth ſtatute and ordain that no perſon or perſons whatſomever ſhall at any time hereafter take upon them under pretext of any Title, Infeftment, Act of Parliament, Poſſeſſion, or Warrant whatſoever, which are hereby repealed, to give Subſcrive, or Seal any Preſentation to any Kirk within this Kingdom: And Diſcharges the paſſing of any infeftments hereafter bearing a right to Patronages to be granted in favours of theſe for whom the Infeftments are preſented; And that no perſon or perſons ſhall either in the behalfe of themſelves or others, procure, receive, or make uſe of any Preſentation to any Kirk within this Kingdome: And it is farther Declared and Ordained that if any Preſentation ſhall hereafter be given, procured, or received, that the ſame is null and of no effect, and that it is lawfull for Presbytries to reject the ſame, and to refuſe to admit any to trialls thereupon, and notwithſtanding thereof to proceed to the planting of the Kirk upon the ſute and calling, or with the conſent of the congregation, on whom none is to be obtruded againſt their will. And it is Decerned, ſtatute, and Ordained, That whoſoever hereafter ſhall upon the ſuit and calling of the congregation, after due examination of their literature and converſation, be admitted by the Presbytry unto the exerciſe and function of the miniſtry in any Paroch within this Kingdom, That the ſaid perſon or perſons without a Preſentation, by vertue of their admiſſion, hath ſufficient Right and Title to poſſeſſe and enjoy the Manſe and gleib, and the whole rents, profits and ſtipends, which the Miniſters of that Burgh had formerly poſſeſt and enjoyed, or that hereafter ſhall be modified by the commiſſion for plantation of Kirks; And decerns all Titulars, and Taksmen of Tythes, Heretors, Life-renters, or others ſubject and lyable in payment of Miniſters ſtipends, to make payment of the ſame, Notwithſtanding the Miniſter his want of a Preſentation: And Ordains the Lords of Seſſion and other Judges competent to give out Decreets, & Sentences, Letters conform, Horning, Inhibition, & all others Executorials upon the ſaid admiſſion of Miniſters by Presbytries, as they were formerly in uſe to doe upon Collation and Inſtitution following, upon Preſentations from Patrons. Declaring alwayes that where Miniſters are already admitted upon Preſentation, and have obtained Decreets conform thereupon, That the ſaids Decreets and Executorials following thereupon, ſhall be good and valide Rights to the Miniſters for ſuiting and obtaining payment of thier ſtipend,

pend, And the Preſentation and Decreet conform, obtained before the date hereof, ſhall be a valid ground and right for that effect; Notwithſtanding the annulling of Preſentations by vertue of this preſent Act, And becauſe it is needfull that the juſt and proper intereſt of Congregations and Presbytries in providing of Kirks with Miniſters be clearly determined by the Generall Aſſembly, and what is to be accompted, the Congregation having that intereſt; Therefore it is hereby ſeriouſly recommended unto the next Generall Aſſembly, clearly to determine the ſame, and to condiſcend upon a certain ſtanding way for being a ſetled rule therein, for all time comming. And it is hereby provided, declared, and ordained, that the taking away of Patronages and Preſentations off Kirks, ſhall import nor inforce no hurt nor prejudice unto the title and right that any Patrone hath unto the tythes of the Paroch, nor weaken his Infeftment wherein the ſame is contained, But that the ſaid Title, Right, and Infeftment, ſhall in every reſpect (ſo farre as doth concern the Tythes,) be als valid and ſtrong as when Preſentations were in uſe. It is further ſtatute and ordained, that the Tythes of theſe Kirks whereof the Preſentations are hereby aboliſhed, ſhal belong heretably unto the ſaids Patrons, and be ſecured unto them, and inſerted in their Rights and Infeftments in place of the Patronage. Likeas the Eſtates of Parliament declare ſaid Patrons their Right thereunto to be good and valid, Hereby granting full power to them to poſſeſſe, ſell, annalzie and diſpone the ſame in manner after ſpecified, as fully and freely as the Miniſter and Patrone might have done before the making of theſe preſents, excepting alwayes therefrom theſe tythes which the Heretors have had and poſſeſt by vertue of Taks ſet to them by the Miniſters, without any deed or conſent of the Patrones, concerning which it is provided, That the ſaid Tythes at the iſſue and outrunning of the preſent Taks, ſhall belong unto the Heretors *reſpectivè*, The ſaid Heretors and the Patrons above mentioned, each of them for their intereſt, being alwayes lyable to the payment of the preſent ſtipends to the Miniſters, and to ſuch augmentation and proviſion of new ſtipends to one or more Miniſters, ſuch as the Parliament or Commiſſion for plantation of Kirks ſhall think fit and appoint, excepting alſo ſuch Tythes as are and have been poſſeſt, and uplifted by the Miniſter as their proper ſtipends; concerning which, it is hereby declared, that the Miniſter ſhall enjoy the ſame without any Impediment, as formerly it being hereby provided alſo, That this Act ſhall prejudge no perſon of the Right, Title, and Poſſeſſion of their Tythes by Infeftments, Taks, and other lawfull rights acquired by them, and the Predeceſſors and Authors, as Accords of the Law. Likeas the Eſtates of Parliament renew the former Acts granted in favours of Heretors, for valuing, leading, and buying of their Tythes; Hereby ordaining any Patrone, having right to theſe tythes made to them by this Act, and having no right thereunto of before, To accept the value of ſix yeers rents, according to the prizes of valued bowls *reſpective*, injoyned and ſet down in the former Act thereanent. And that for the Heretable right of

the ſaids Tythes, And for all title intereſt or claim that the ſaids Patrons can have or pretend thereunto by vertue of this Act.

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# ACT XL.

## *Act anent Quarterings.*

*9. March*, 1649.

THE Eſtates of Parliament, taking to their conſideration the former great burdens of the Kingdom, in quartering of horſe and foot, whereby the Lieges by abuſe of theſe who were quartered upon them, were made liable both to the quarterings and payment of the monethly Maintenance impoſed upon them: For eſchewing the like thereof in time coming, They Statute and Ordain that all the Quarterings of this Kingdom by-gone ſince the firſt of *November* 1648, And in time coming, during the continuance of this preſent Maintenance, the ſame being Lawfully proven either by Billets or by Witneſſes according to the Act made anent probation of Quarterings before the Committee of War of ilk Shire, or any two of them, who are hereby fully authoriſed for that effect, whilk being cloſed and made, ſhall be a charge upon ilk one of the Regiments, Troops or Companies *pro tanto*, And a ſufficient Warrant to the party to receive payment or allowance, conform to the eſtabliſhment after the fitting of the ſaid compt and no otherwayes; And it is hereby expreſſe declared, that the ſeverall Heretors and others liable and obliged in payment of monethly Maintenance, Having their quarterings lawfully inſtructed as ſaid is, as well for themſelves as their Tenents, They producing their Tenents aſſignation of their Quarterings to them, Shall have retention and allowance of all the Quarterings reſting, owing, unpaid ſince the ſaid firſt day of *November* laſt, And in time coming during the continuance of this preſent Maintenance: And alſo it is Statute and Ordained that for the relief of theſe who may be overburdened and exhauſted by quarterings, that theſe perſons and Paroches ſhall have their relief of their quarterings, which exceeds their Maintenance, And that to be payed by the ſeverall Heretors and others of that Shire *pro tanto*, in ſo far as their Maintenance doth extend to; And in caſe any Shire ſhall be exhauſted and overburdened with quartering above their Maintenance, In that caſe they ſhall have payment and relief from the General Commiſſar out of their Maintenance, And it is farther Statute and Ordained that what ever Officers of the Army within this Kingdom ſhall not give Billets or Notes for their Quarterings, it being proven that they Quartered in ſuch and ſuch places, and did not leave Billets or Notes for their Quartering, conform

conform to the juſt number quartered by the Officers and Souldiers: And in that caſe, no pay ſhould be given to the ſaids Officers and Souldiers, untill the Notes and Billets be given to the Perſons, Paroches and Shires upon whom they were quartered: It is likewayes Ordained the firſt *Tueſday* of every moneth, ſhall be appointed at the ordinary place of meeting for making of the Quartering compts within ilk ſhire, and leading the probation as ſaid is: And alſo it is Ordained that the Collector of ilk Shire, Be Ordained either by himſelf or ſome in his name, to be preſent at the ſaids times and places *reſpectivè* foreſaid.

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# ACT XLI.

## *Act anent the filling of vacand places.*

10. *March* 1649.

THE Eſtates of Parliament taking to their conſideration, That ſundry Officers of Eſtate, and Lords of the Seſſion and others perſons in places which before uſed to be filled by the King and Parliament, are or will be deſervedly deprived for the faults contained in the Act of Claſſe of the 23. *January* laſt, And that there will ariſe manifold inconveniencies both to the King and to the Kingdom by the long vacance of theſe places and delay of Juſtice, And that the Kings Majeſtie who now is, before he come to the exerciſe of his Royall power, is to give the ſatisfaction deſired by this Kirk and Kingdom: Likeas in the propoſitions of both Kingdoms often paſt in the Parliament of this Kingdom, it was the judgement and deſire of the Parliament, That theſe Places during theſe troubles ſhould be filled by the Parliament, And that in the late Summonds and Sentences, It is Declared, that theſe places ſhould be filled by this Parliament, Therefore they Declare, that they finde themſelves bound in duty, preſently to fill the ſaids Places with fit perſons according to the Oath of Parliament; And Ordains that theſe who ſhall be nominated and appointed by them, ſhall have Acts of Parliament and Patents, paſt the great Seal in their favours, as their Predeceſſors got at the Parliament 1641. for their bruiking or injoying their reſpective places *ad vitam vel culpam*: And Declares, that amongſt other things wherein they are to ſeek and obtain ſatisfaction from the Kings Majeſtie for the good of the Kingdom, They will crave and inſiſt (without any receding) upon the Kings Majeſtie his Approbation thereof: It being always provided and Declared, That this preſent Act ſhall not (after his Majeſtie comes to the exerciſe of his Royall power) prejudge his right and intereſt in chooſing and nominating with the adviſe and conſent of the Eſtates of Parliament, Counſell

sell and Session *respective*, fit persons to these places in the case of any subsequent new vacancie, according to the 15. Act of the Parliament, 1641.

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# ACT XLII.

## *Act Commission to the Committee of Estates.*

14. *March*, 1649.

THE Estates of Parliament now presently conveened in this second Session of the second Triennall Parliament, By vertue of an Act of the Committee of Estates, who had Power and Authority from the last Parliament for conveening of the Parliament, Being upon good reasons to dissolve, And considering how necessary it is for the good of Religion, King and Kingdomes, for preventing and remedying all evills and dangers that may befall to any of these from intestine commotions, or forraign Invasion, for preserving the peace of the Kingdome, and union betwixt both, And for doing, acting and ordering all things relating either to Peace or Warre, agreeable to the Covenant and ends thereof. That a grand Committee be nominated and appointed by them, of able and well-affected persons, Doe therefore nominate, elect and make choise of the persons following, *viz.* For the Noblemen, *Archbald* Marquesse of Argyle, *John* Earle of Sutherland, *Alexander* Earle of Eglingtoun, *John* Earle of Cassels, *Francis* Earle of Buccleugh, *William* Earle of Louthian, *Robert* Viscount of Arbuchnet, *Archbald* Lord Angus, Lord Elcho, Lord Brechin, *Allane* Lord Cathcart, *William* Lord Ross, *John* Lord Borthuik, *John* Lord Torphichen, *John* Lord Balmerino, *Robert* Lord Burghlie, *James* Lord Cowpar, Lord Kirkcudbright, Lord *Fraser*, and Master of Forbes. And for the Barones, *Arthur Erskine* of Scottiscraig, Sir *James Halket* of Pitfurren, *George Dundas* of Duddingstone, Mr. *John Dikson* of Busbie, Sir *Jame Hope* of Sir *David Home* of Wedderburn Knight, *Swinton* younger of that ilk, Sir *Charles Erskine* of Cambuskenneth, Sir *William Cunningham* of Cunninghamheid, Sir *Hew Campbell* of Cesnok Knight, Sir *Andro Ker* of Greinheid, Sir *Thomas Ruthven* of Freeland, Sir *Robert Adair* of Kinhilt, *Andro Agnew* liar of Lochnaw, Sir *George Maxwell* of Netherpollok, *John Dikson* of Hartrie, Sir *John Broun* of Fordell, *Arthur Forbes* of Eight, Mr. *William Sandilands* of Hilderstone, *John Cokburn* of Ormestone. To the whilks forenamed Barons, The saids Estates adde the particular persons following to be also upon the Committee of Estates, *viz.* Sir *John Hope* of Craighall Knight, Sir *Alexander Belsches* of Tofts Knight, *John Schaw* of Grennok, Sir *Lodivick* Houstoun of that ilk Knight,

Knight, Sir *William Scot* of Clerkingtoun, Colonel *Walter Scot* of Hartwoodburn. And for the Burrowes, *James Borthuik* for Edinburgh, *Patrick Rofs* for Pearth, *Robert Davidſon* for *George Porterfield* for Glaſgow, *James Sword* for St. Andrews, *Thomas Bruce* for Sterling, *James Campbell* for Lynlithgow, *Hew Kennedy* for Air, Mr. *Robert Barclay* for Irving, Mr. *James Campbell* for Dumbartane, *Gedion Jak* for Lanerk, Mr. *John Hay* for Elgin, *Thomas Macburnie* for Drumfreis, *John Forbes* for Innernes, *william Simſon* for Diſert, *George Gairden* for Bruntiland, *John Boſwall* for Kinghorne, Mr. *Alexander Dowglas* for Bamff, *George Fameſon* for Cowpar, and *James Macculloch* for Whithorn. To the whilks forenamed perſons of the Burowes, The ſaids Eſtates likewiſe addes the perſons following to be for the Burrowes, Sir *William Dick* of Braid K. Sir *John Smith* of Grottel Knight, *Robert Lockhart* Merchant, Burges of Edinburgh, *John Schoart* Burges of Sterling, Mr. *william Moir* Burges of Aberdeen, and *James Ruchheid* Baily of Edinburgh. Likeas the ſaids Eſtates of Parliament alſo addes as ſupernumerary to the forenamed perſons of the Committee of Eſtates, the perſons following, *viz. John* Ea. of Loudoun, &c. High Chancellor of this Realm, The Generall officers, Sir *Archbald Johnſtoun* of Wariſtoun Knight, Clerk of Regiſter, Sir *James Stewart* of Generall Commiſſary, Sir *John Cheiſlay* of *Alexander Brodie* of that ilke, Mr. *George Winraham* of Libbertoun, *William Glendoning* Proveſt of Kirkcudbright, and *Alexander Jaffray* Baily of Aberdeen. To whom, or any nine of the forenamed perſons, there being two for every eſtate. The ſaids Eſtates of Parliament doe grant Power, Warrant and Commiſſion to meet and conveen at ſuch times and places as they ſhall think fit, And there to take ſick courſe and reſolutions to give ſick orders and directions in diſcharge of the great truſt committed to them, during the vacancy of Parliament as they ſhall think neceſſary and conducing to the right ordering and governing the whole body of the Kingdom, according to the League and Covenant, and in perſuance of the ends thereof, for the better effectuating hereof, They are hereby warranted to authorize Commiſſioners to Treat and conclude with the Kings Majeſty, and the Kingdome of *England*, As alſo to treat and negotiate with any forraign Princes or States in theſe things which may concern the honour, juſt power, and happineſſe of the Kings Majeſty and his Royall poſterity, and the good of theſe Kingdomes, And to uſe all effectuall meanes for preventing miſunderſtandings, diſtractions and differences, and ſtrengthning a firm amity betwixt his Majeſty and his people, And in caſe they ſhall find neceſſary for the ſafety of the Kingdome to make uſe of more forces then are preſently on foot, With power to them to give orders to the ſeverall Shires and Burghs of this Kingdome for raiſing of ſuch number of horſes and foot out of the ſeverall bounds and Juriſdictions as they ſhall think neceſſary; And for providing them Arms, Ammunition, Victuall, and other neceſſaries, to appoint places of their Randevous, and give order for their quartering and entertainment, and for that end to augment and prorogate the

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Maintenance and Exciſe (the whole Committee being firſt timouſly warned to that effect, and the moſt part being preſent) And to appoint ſuch Generall Officers over them as they ſhall think fit, and are not already named by the Parliament, Reſerving to the Shires and Burghs the nomination of Officers whereof they have been formerly in poſſeſſion by Order of Parliament, And to disband the Armies and Forces as they ſhall think fitting, And to Ordain the foreſaid Maintenance and Exciſe as the ſame ſhall be augmented and prorogated by them as aforeſaid to be imployed for the uſe of the Forces raiſed or to be raiſed allanerly.

As likewayes with power to them to Treat and determine with the Kingdom of *England*, anent the reſt of the moneys due by that Kingdom to the Scottiſh Army in *Ireland*, And generally with power to them to Ordain, diſpoſe and imploy all the Forces of the Kingdom, levied or to be levied as they ſhall judge fitteſt for the ends abovenominate within the Kingdom; With power alſo to the ſaid Committee to Treat, conſult and determine without prejudice of former aſſignments anent the payment of the remainder of the brotherly aſſiſtance, or any other moneys due by the Kingdom of *England* to this Kingdom, and for ſetling removing and preventing all differences betwixt theſe two Kingdoms, With power alſo to them to cite and conveen before them all perſons that are guilty of any of the Claſſes of the Act of this preſent Parliament, and to take tryall of their carriage and behaviour in reference to the late unlawfull Engagement, and to pronounce ſentence and determine againſt them as they ſhal finde juſt, and to purge the Judicatories and places of truſt according to the Act of Claſſes, And alſo With power to the ſaid Committee to apprehend or call before them all ſuch perſons as ſhall invade this Kingdom, or have or ſhall make any inſurrection to the diſturbance of the peace thereof, or ſhall oppoſe or riſe in Armes againſt the Authority of this Parliament, or Committee of Eſtates here nominate, or who ſhall concur with, aſſiſt, keep intelligence or correſpondence with any of the ſaids Invaders or riſes in Armes, and to purſue them for the ſame, pronounce Sentence and do juſtice upon them by forfaultor or otherways, conform to their ſeverall degrees of guiltineſſe, And als fully in all reſpects as the Parliament might do if they were ſitting; And als with power to them to bring off ſuch as are or have been in Rebellion (excepting theſe perſons excepted in former Acts of Parliament) as they ſhall think moſt conducing for the publick good and peace of the Kingdom, Providing the ſame be conform to the limitation contained in former Acts of Parliament, And farther, With power to them to give orders to the Committee of War of the Shires and to all Colonells, Stewarts, Sheriffs, Bailies and other Magiſtrates and Subjects to Burgh or Land, in every thing concerning the good and quiet of the Kingdom, And generally with power to the ſaid Committee to do, Act & Order all & ſundry other things that ſhal be found neceſſary for the good of Religion, the honour and happineſs of the King and his Poſterity,

Poſterity, the union between the Kingdoms, and the peace of this Kingdom, And for ordering, p oviding for, and diſpoſing the Forces belonging to the Kingdom, and for procuring obedience to the Authority and reſolutions of the Parliament or Committee of Eſtates, And for governing of the whole body of the Kingdom as fully in all reſpects as the Parliament might do if they were ſitting in *pleno conceſſu*, excepting alwayes herefrae the Commiſſion granted for inbringing and diſtributing the publick moneys and regulating the accompts, which is reſerved in the full force thereof: And it is Ordained that the whole Commiſsioners aforeſaid ſhall at their firſt meeting in the Committee accept the Commiſſion, and give their ſolemn Oath for their faithfull and diligent diſcharge of their truſt; And laſt with power to them to make choice of new perſons of that ſame degree and quality to ſupply the places of theſe who ſhall happen to deceaſe, or by ſickneſs or otherwayes ſhall be neceſſarily abſent, And alſo to fill the places of theſe of the Committee of Accompts and moneys who ſhall happen to deceaſe, or by ſickneſs or otherwiſe ſhall be neceſſarily abſent, with others of the ſame degree and quality; And further in caſe the ſaid Committee ſhal augment the Maintenance & Exciſe for the uſe aforeſaid, With power to them accordingly to grant Retention of the Annual rents of mony for ſuch ſpace as they ſhal augment the foreſaid Maintenance, And if any matter of importance do occur that requires a meeting or reſolution of the Eſtates, With power to the Committee foreſaid or their *Quorum*, To conveen the Parl. ſooner nor the 23. of *May* next to come, to the whilk day the Parliament is to be continued, if they think fitting, And ſiclike the ſaid Eſtates gives hereby power & warrant to the Committee aforeſaid or *Quorum* thereof abovementioned to decide in all things referred to them by Parliament; firm & ſtable holding and for to hold what ever the ſaids Commiſsioners or *Quorum* aforeſaid ſhal do, in manner & for the end aforementioned: Likeas the ſaids Eſtates, Diſchargeth all former Commiſſions to any Committee of Eſtates, And appointeth this Commiſsion to endure till the next meeting of Parl. and ay and while the ſame be *ſimpliciter* diſcharged.

# ACT XLIII.

## *Act of Commiſsion for Moneys and Exciſe.*

14. *March*, 1649.

THE Eſtates of Parliament now preſently conveened in the ſecond Seſſion of this ſecond Triennall Parliament by vertue of an Act of the Committee of Eſtates, who had Power and Authority from the laſt Parliament for conveening the Parliament, Taking to conſideration the preſent great burdens of the Kingdom, And that there are great ſums of money belonging to the Publick, reſting uncompted for in the hands of the Collectors and Intromettors with the Publick dues, or unuplifted and received from theſe who are liable and ſubject in payment thereof, to

the great prejudice of the Kingdom and continuance of the burdens thereof; As als that the matter of moneys may be rightly regulated and distributed for Maintenance and Entertainment of the Army and Garrisons, and other Publick uses within the Kingdom, And finding it necessary that it be cleared what sums are owing to the publick, and the same in-brought to be applyed for payment of the most necessary and pressing debts and burdens of the Kingdom, Do therefore hereby nominate, authorise and appoint the persons following, *viz.* *Archibald* Marquis of *Argyle*, *John* Earl of *Cassils*, Vicount of Arbuchnot, *Robert* Lord *Burley*, *John* Lord *Torphechin*, Sir *Hew Campbell* of *Cesnok* Knight, Sir *William Cuningham* of *Cunninghamheid*, Sir *Thomas Ruthven* of *Frieland*, Sir *Charles Erskene* of *Cambuskenneth*, Sir *James Hope* of For the Barones, Mr. *Robert Barclay* Provest of *Irwing*, *George Porterfield* Provest of Glasgow, *Hugh Kennedy* Provest of *Air*, Sir *John Smith* of Groatwell, late Provest of *Edinburgh*, and *Gedeon Jack* Baily of *Lanerk*. To whom or any seven of them for passing of the precepts underwritten, and otherways to any five of them as the *Quorum* thereof, The Estates of Parliament do hereby give full Power, Warrant and Commission, to take and survey an exact tryall of the publick Accompts, Debts and Burdens of the Kingdom, And also what publick moneys is received to be uplifted by Loan, Taxt, Maintenance, tenth, twenty penny, Excise, lending and fining, or any other way are yet unpaid and in-brought for the use of the publick, And to try how and where the same is resting, and call all parties and persons, heavers thereof, or who intrometted with the same, and have not as yet compted therefore, And all persons owing and liable in payment thereof to an Accompt, hear and allow or disallow the same as they shall finde just: And after tryall thereof to enjoyn them to pay what shall be found so to be resting, And for that effect with power to them to issue forth and direct such Orders, Letters and execution, and take such other expeditious way as shall be found necessary for that end, and to pronounce Decreets and Sentences thereanent, And to cause put the same to execution, and to reduce the whole debts, compts, and publick moneys of the Kingdom in such Order as the Burdens of the publick may be known, and als what sums are owing to the publick, and what are owing by the publick to any; And for the better clearing of the said publick Accompts and burdens of the Kingdom, and also what sums are resting to the publick yet unpaid, With power to the said Committee or their *Quorum* to call for the inspection of the Registers, Rectories and Warrants of Parliament, and all other Committees, and any other publick Records thereanent, To the effect that all Compts, Bands, Rests and Responds may be exactly extracted forth thereof, and the persons liable therein may be made comptable for the same: Likeas the saids Estates of Parliament hereby commits and intrusts to the foresaid Committee the sole and only power of disposing and distributing of all moneys which shall come in and be due to the publick, together with

with the whole rents and duties of Lands, ſummes of mony, Moveables, and others belonging to Malignants, and forefaulted perſons, with all Fynes, and prizes of forefaulted Lands, and others whatſomever pertaining to the publick, and to imploy the ſame in the firſt place, for the maintenance and entertainment of the Armies within the Kingdome, and ſubſiſtance of theſe who ſhall bee found by them to bee utterly ruined; And for that effect, grants to them the ſole and onely power to give out and ſubſcrive Preceps for the pay and maintenance of the Armies, and ſatisfying any perſons of ſick ſummes as are, or ſhall be appointed by Parliament, or Committee of Parliament, for taking, or killing of any perſon in the Rebellion, And for Intelligence, Poſts, buying of Armes, Ammunition, the Train of Artillery, Carriages, and ſuch other preſſing and urging affairs as ſhall be recommended by the Committee of Eſtates, and as concerns the out-reak expedition and maintenance of the Armies, and proviſion of the Gariſons allanerly. And Ordains every Precept to be ſubſcrived by a full *Quorum* of the ſaid Committee at the leaſt, Which perſons, Subſcrivers thereof, ſhall be anſwerable to the Parliament, That they ſubſcrive no Precepts upon the Monethly Maintenance, but for the cauſe foreſaids, till the affaires and maintenance of the Armies be firſt diſpatched and ſatisfied, wherein if the ſaid Committee contraveen and failzie, The ſaids Eſtates of Parliament hereby Declares and Ordains the Subſcrivers of the ſame Precepts, to be liable in payment to the publick of all ſuch ſums, for which they ſhall draw Precepts for any other cauſe, till firſt the affaires and maintenance of the Armies be ſatisfied; With power to the ſaid Committee in the next place to diſpoſe and grant Precepts upon the Exciſe monies for the incident charges allanery, and all Precepts are appointed to be drawn upon the Generall Commiſſar onely. And Ordains the ſaid Committee frequently to conſider the Eſtate of the publik caſh, and what monies are therein from time to time, and to fit monthly an accompt of incident charges, and to draw no Precepts, but when there is mony in the caſh to ſatisfie and anſwer the ſame. Likeas the ſaid Eſtates Ordains the foreſaid Committee in their diſtributions, and ordering of the payment of the monies for the Armies, To diſtribute the ſame equally, and to take ſuch conſtant courſe as all Regiments of foot and horſe, be put and keeped in equality, either in mony, proviant or proviſion, according to their ſtrength and muſter-rolls, being muſtered, as is already provided, And to the effect that both officers and ſouldiers may know their own proportion due to them, for all monies to be payed to them, It is ordained, that all precepts to be direct by the ſaid Committee for that effect, ſhall bear *in cumulo*, what proportion of the whole ſummes contained in the precept, is allowed to be payed to the officers, and what proportion thereof to the ſouldiers of the Regiment, Troop, or Company; for which the ſaids precepts are granted. And ordains the the Clerk to be appointed by the Clerk Regiſter for this Commiſsion, ſhall have the truſt and keeping of the reſpondie books, and of all the Accompts, Inſtructions, and

Warrants thereof, which concern the publick. And the Estates Ordains the Clerk to have a Register containing the whole accompts, both of Intromission, and how the same is given out, and where matters of difficulty or importance shall occurre, The saids Estates of Parliament Ordains the Committee of Estates to give their advice to the foresaid Committee hereby appointed, as they shall necessarily desire the same. With power also to the said Committee or *Quorum* thereof, to syne and borrow monies from all such persons as are qualified after the manner, and according to the restrictions contained in the Act of this present Parliament, of the date And with power to them to give publick surety to those from whom they borrow, according to former use, And Ordains the well-affected to be first satisfied. It is hereby declared, that whatsoever person to whom the publick is owing any monies, shall give in to the said Committee a List of persons able to lend monies, or are or shall be syned, and not excepted by the Act of this present Parliament, That in that case, the one halfe of the saids summes be given to the parties in part of payment of their summes, and the other half is to be given to the generall Commissar, and applyed to the use of the publick, To the whilk Committee likewayes or *Quorum* thereof foresaid, The saids Estates gives Power to issue forth Commissions for trying of wasted and burnt lands and other losses by Sea or Land, and to receive in reports of the same. Sicklike the saids Estates doe hereby nominate and appoint the persons above named, to be Commissioners for the Excise, And grants Power and Warrant to them or their *Quorum* foresaid, or sick of their number, as they shall substitute and appoint to govern the Office of Excise, Ferm the same; And appoint Collectors, Surveyers, and other under Officers, and set down such Acts and Ordinances, as shall be necessary and requisite for that effect, Conform to the Act of Parliament concerning the Commission, and Ratification anent the foresaid Excise, and according to the Act of Parliament anent the late addition to the Excise, and to prosecute the Wayes and Acts already set down anent the said Excise, as they shall think fit: And for the incouragement of the said Committee, and inabling them to attend and prosecute the said Commission, The Estates Ordains them to have the allowance granted formerly to the Commissioners of Excise, according to their sederunts, and two of the hundred of the monies which they shall discover and bring in of publick dues and rests, preceding *October* last; And for the better clearing of the Generall Commissars charge, It is likewise Ordained, That all discharges to be granted, and accompts to be fitted at any time hereafter by the Generall Commissar, to any Sub-collectors, or other Intromettors whatsomever, with any publick dues, or who are appointed to pay to him any monies for whatsomever cause for the publick use, shall be by them brought in to the said Committee within one moneth after the subscriving thereof; to the effect, that the names of the persons to whom the same are granted, the summes therein contained, with the cause for which, and date thereof may be recorded by their Clerk

Clerk, who ſhall be holden to doe the ſame *gratis*, And if the ſame be not recorded, or inſtruments taken upon the refuſall thereof within the ſpace foreſaid, the ſame are hereby declared to be Null, and to make no faith in all time thereafter. And it is further ordered, that one clauſe to this effect, be inſert in all Commiſsions or Warrants, diſcharges, or ſubſcrived accompts to be granted hereafter by the Generall Commiſſar, to any of the perſons aforeſaid, and that the Generall Commiſſary with all conveniencie, cauſe intimate the foreſaid certification to ſuch as have already received their ſaid Commiſſion or Warrant.

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# ACT XLIV.

## *Act anent the Creditors of forefaulted perſons.*

14. *March* 1649.

THE Eſtates of Parliament taking to their Conſideration the ninth Act of the ſecond Seſſion of the third Parliament of Umquhyll King *Charles* of worthy memory dated the 20. of *February*, 1645. Intituled *Anent the ſelling of the Lands of forefalted perſons*, and eſpecially that clauſe thereof ordaining all perſons whatſomever, to whom any perſon already forefaulted before the date of the ſaid Act, or who ſhould happen to be forefaulted in that Seſsion of Parliament, was adebted juſtly and really in any ſummes of mony, or any other wayes, either as principall debtors, or as cautioners for any other perſons, and als that all perſons who were cautioners for any perſons then already forefaulted, or who ſhould happen to be forefaulted in that Seſſion of Parliament, to their lawfull creditors, Should exhibit before the Committee of Eſtates their lawfull ſecurities whereby the ſaids perſons already forefaulted, or who ſhould happen to be forefaulted in that Seſſion of Parliament, were their juſt and reall debtors, either as principall debtors to them, or as debtors to them, as cautioners for other perſons, or whereby they were cautioners for the ſaids forefaulted perſons, or to have been forefaulted in that Seſsion of Parliament, and whilk cautioner they were obliged in law to releive, and the production of the foreſaids ſecurities be made by the creditors and cautioners, ſo many of them as were without the country within three months, and theſe that were within the country, within threeſcore dayes after publication of the ſaid Act at the head Burghs of the ſeverall Sheriffdomes within the Kingdome. And the ſaids Eſtates finding that doubts and queſtions hath riſen, and may ariſe among the Leiges upon the doubtſom conception and words of the ſaid clauſe, as if the meaning of the Eſtates of Parliament in the ſaid Act had been, that the creditors or cautioners foreſaids, who were without the Kingdome, had not been obliged to the production foreſaid, unleſſe the

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said Act had been published at the head Burghs of the severall Sheriffdoms within the Kingdom; Therefore for removing of all occasions of doubts or scruples to the Lieges, The Estates of Parliament Declares, That the true meaning of the foresaid Clause anent the Publication of the foresaid Act at the head Burghs of the severall Shires of the Kingdom was onely in relation to the foresaids Creditors and Cautioners being within the Kingdom dwelling within the saids severall Shires *respective* and that the same had no relation to the Creditors or Cautioners foresaids being without the Kingdom, and that the certification of the said Act did and doth militate against such of them as did not produce their Bands and Securities within three moneths after the Publication of the said Act within the remanent Acts of the said Parliament at the Mercat Crosse of *Edinburgh*: And that the saids Creditors or Cautioners without the Kingdom could not, nor cannot pretend the not Publication of the said Act at the saids severall Crosses of the head Burghs of the severall Shires to free them from the certification of the said Act, in respect of the not production of their securities before the Committee of Estates within three months after the Publication of the said Act; Reserving always, Likeas the Estates of Parliament reserves power to themselves or to their Committee of Estates, to dispense with the said certification in favours of any of the Creditors or Cautioners for any of the foresaids forefaulted Persons, The Estates of the whilk forefaulted Persons are yet in the publicks hands undisposed upon, and to grant a new day if they or their Committee shall think expedient to the saids Creditors and Cautioners, yet to produce their securities foresaids, providing that this reservation be not extended to the Creditors nor Cautioners of the forefaulted persons whose estates and livings are disponed by the Publick to whatsomever person or persons before the date hereof.

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# ACT XLV.

## *Act anent Ministers Stipends, Gleibs and Manses.*

14. *March*, 1649.

THE Estates of Parliament now presently conveened in this second Session of the second Triennall Parliament, By vertue of an Act of the Committee of Estates, who had Power and Authority from the last Parliament for conveening of the Parliament, Taking to their consideration, That severall Ministers of the Gospel are discouraged and distracted from their calling, some for want of competent Maintenance, some for want of legall security, And others for want of timous and thankfull payment of their stipends; And that within these few years by-gone

by-gone, the value of money or rather the prices of every thing have been ſo exceedingly altered and heightned, that Stipends formerly provided for Miniſters do altogether prove ineffectuall for their Maintenance; For remedy whereof, the ſaid Eſtates having taken in conſideration the overtures preſented unto them by the Committee of Overtures, Do therefore Ordain all Parochines where victuall can conveniently be had, to pay to their ſeverall Miniſters out of the Teinds of the Paroches eight chalders victuall at leaſt of the meaſure mentioned in the Act of Parliament in *Anno* 1617 years; And where victuall cannot conveniently be had, That the ſaid Paroches pay to their Miniſters three chalders victuall, and money for the other five chalders victuall, which compleats the eight chalders victuals, the ſame not exceeding an hundred pound, nor being beneath an hundred Merks for each chalder of the ſaid five, to be ſo modified by the Commiſsioners appointed for Plantation of Kirks, And where Vicarrage is paid to Miniſters, the ſame is to be allowed to them proportionably in part of their ſtipend of the quality and quantity aboveſpecified reſpectively, Ordaining alſo that all Miniſters Stipends which do not yet extend to the proportions in quantity and quality *reſpective* above expreſſed, ſhal be augmented to the ſaid eight chalders victuall where it can be had, or otherways to three chalders victuall, and the remanent in money in manner abovementioned, and that notwithſtanding of any former Augmentation; And in caſe Miniſters get not thankfull and timous payment of their ſtipends, at the day and times of payment appointed or to be appointed, or within fifteen days thereafter, That Heritors or Titulors one or more, or others appointed to pay the ſame, ſhall make payment to them of a fifth part more nor their ſtipends, without defalcation or modification by the Lords of Seſsion or any other Judges whatſomever, And that by and attour the expenſe of pley to be decerned by the Judges competent; And the Commiſsioners for Plantation of Kirks are hereby authorized and appointed to follow this preſent Rule ſet down in this Act in ſuch Paroches where the foreſaid Stipends can conveniently be had, And to judge and determine betwixt the Heritors who hath bought their Teynds or hath ſtanding Taks thereof; And the titulars or others having right to the Teynds which of them ſhall be lyable in payment of the foreſaid augmentation, and what proportion thereof ſhall be payed by every one of them, Declaring hereby to the effect Miniſters may have the more effectuall payment of their Stipends, and ready execution for the ſame, That it ſhall be lawfull to Miniſters in caſe of not thankfull payment of their ſtipends in manner aforeſaid, to poynd, appriſe and diſtrenzie the readieſt moveable goods and geir upon the ground of any of the Lands belonging to the perſons deficient in payment of their Stipends, according to the portions addebted by them, which poynding and appriſing being done upon the ground of the Lands, and by honeſt ſworn men reſiding within the bounds of the Presbyterie ſhall be as ſufficient as if the ſame were done at the Mercat Croſſe of the head Burgh of the Shire where the

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Lands lies: And it is further Declared, that Ministers Stipends, and the provisions and Rents of Universities resting owing for three years allanerly, shall affect the ground right of the hands of the persons addebted in payment thereof, against Comprisers, or other singular successors whatsoever. And because notwithstanding former Acts of Parliament for providing Ministers Manses and Gleibes, yet divers Ministers are not provided therewith, and others do not get their Manses free at their entry; Therefore the said Estates Statute and Ordain, That where competent Manses are not already built, that the Heretours of the Paroch at the sight of three Ministers and three ruling-Elders to be appointed by the Presbyterie, build competent Manses to their Ministers, the cost and expenses thereof not exceeding one thousand pounds, and not being beneath five hundreth Merks; And where competent Manses are already built, the Heretors of the Paroch are hereby Ordained to relieve the present Minister and his Executors, & the intrant of all cost, charges and expenses for building and repairing of the Manses, Declaring hereby, that the Manses being once built and repaired, or the building and repairing thereof satisfied and payed by the Heritours in manner aforesaid, that neither the Heritors nor the entrant shall be thereafter troubled for the same, but the said Manses shall be upholden in time of vacance of the Kirk by the Heretors and by the incumbent Ministers during their possession; And it is hereby appointed that Burghs, and the Heretors of the Landward parts of the Paroch provide also competent dwelling places and houses for their Ministers, the sum not being above nor beneath the sums above expressed: And in like manner it is Statute and Ordained that every Minister have a horse and two kyes grasse, and that by and attour his Gleib; And where Gleibs are far distant from the Manses so that they cannot conveniently be laboured in respect of their distance from the Manses, these Gleibs shall be changed, and new Gleibs designed more commodious and neerer to the Manse, as good in quantity and quality as the former, the same being designed within a quarter of a mile at furthest from the Manse, excepting always and exeeming villages and incorporate Akers lying neerer the Manse then the old Gleibs which are not lyable to any designation of a Gleib or any part thereof; And the Estates give hereby power to the Commission for Plantation of Kirks, to make and appoint the new Gleibs as good in quantity and quality as the former, and as is provided by Law, and to rectifie the same if they be not so, and to consider and determine the relief of the burden of the Gleibs, horse and kyes grasse, designed to be gotten of the remanent Parochiners, the persons liable thereunto every ones proportion thereof, and the way and manner of the payment of the same: And further, where lesser Paroches lie neer to over great and large Paroches, It is declared, that some parts of the large Paroch may be taken and adjoyned to the smaller Paroch, that thereby both the charges may be made more proportionable, And the stipend of the Minister in the lesser charge may be made competent and sufficient, which

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is hereby recommended and preſented to the Commiſſion for plantation of Kirks, authoriſing them with power for that effect, And the Eſtates Ordains Letters to be direct,

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# ACT XLVI.

## *Act annulling new Sheriffes.*

15. *March* 1649.

THE Eſtates of Parliament now preſently conveened in the ſecond Seſsion of the ſecond Triennal Parliament, By vertue of an Act of the Committee of Eſtates, who had Power and authority from the laſt Parliament, for conveening the Parliament, Taking to their conſideration the manifold reaſons obligeing them to purge the Judicatories of this Kingdom, And conſidering the Commiſsion granted for the conſerving the Articles of the Treaty, And the ſame day by the thirty two Act of the Commiſsion for regulating the common burdens by the twenty fourth Act, and the Commiſſion for plantation of Kirks be the thirty Act, *January* fourteen, And the Commiſſion granted by the Exchequer, the firſt day of *February*, 1645. yeares, Be the fift Act, and all other Acts of Parliament renewing or eſtabliſhing the foreſaids Commiſsions, or adding any perſons or clauſe thereto in any Seſsion of Parliament ſince; and withall, conſidering the manifold prejudices and evill conſequences of the late deſigne, to inſlave the Kingdom, or by many other means. So by the late new gifts, Heretable, or Life-rent Sheriff-Ships, new Regalities, ſo farre contrary to the old Acts of Parliament, whereby they ſhould not be diſponed without expreſſe advice and conſent of Parliament, and contrary to the will of the Kingdome, and our late Soveraign Lord his manifold Reſolutions and Declarations in favours of the Shires; Therefore, and for many other reſons and conſiderations moving them. They doe repeal, recall, and reſchind the foreſaid Commiſsion to the conſervers of the Peace, to the Commiſsioners for regulating the burdens, to the Commiſsioners for plantation of Kirks, to the Exchequer and Commiſsion for changing of Waird-holding, and all other Acts of Parliament or Councell, or Exchequer, renewing or eſtabliſhing any of the ſaids Commiſsions, or adding any perſons or clauſe thereto, and declares the ſame to be voyd and expired in all time comming, and diſcharges the perſons nominate therein, to ſit or act in any of the Judicatories, by vertue of the foreſaid Commiſsion unles theſe Commiſsions be renewed by the Parliament, and their names inſert therein. Likeas they repeal, reſchind, and annull all Commiſsions or gifts of new Heretable or Life-rent Sheriff-ſhips,

new heretable, or Life rent Bailliaries, or Regalities granted of new by our late Soveraigne Lord ſince the Parliament, 1641 yeers, To any (except to ſuch as had them of before, and are free of the Claſſes) And diſcharges the receivers of theſe gifts to claime any Juriſdiction thereby over the Leiges, or make any uſe thereof hereafter, under pain of impriſonment of their perſons, and confiſcation of their Eſtates, as the Parliament or Committee of Eſtates ſhall think fitting, Likeas the Eſtates of Parliament diſcharges the Leiges after the Proclamation of this Act, To acknowledge or obey the courſe or orders of the foreſaids Sheriffes and Baylies, And appoir teth the Sheriffes of theſe Shires, to be particularly nominate and ſetled in the ſame ordinary way, as they were before theſe pretended gifts and Commiſſions of new Heretable, or Life-rent Sheriff-ſhips, or Bailliaries.

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# ACT XLVII.

## *Act Commiſſion for reviſing the Lawes and Acts of Parliament.*

*16. March 1649.*

THE Eſtates of Parliament now preſently conveened in this ſecond Seſſion of the ſecond Triennall Parliament, By vertue of an Act of the Committee of Eſtates, who had Power from the laſt Parliament for conveening the Parliament, Having taken to their conſideration, That for the Glory of God, the Weal of his Kirk, and the juſt and peaceable government of his Majeſties Leiges within this Kingdome, It is moſt neceſſary, that there be a conſtant, certain, and known Modell and frame of Law, according to equity and juſtice eſtabliſht by publick authority, and publiſhed to all his Majeſties Leiges, And withall taking to their conſideration, that divers of his Majeſties progenitors, By Acts of Parliament, and by Commiſſions under the Great Seal of this Kingdome, Have given Warrants, Power, and Commiſsions to certain perſons therein nominated, for reviſing and conſidering the Lawes and Acts of Parliament of this Kingdome, as well Printed as un-printed; The *old book* of Law called *Regiam Majeſtatem*, and the cuſtomes and practiſes of the ſeverall Judicatories of this Kingdome, aſwell Civill as Criminall, and for gathering and collecting generall Lawes to have been perpetually and conſtantly eſtabliſhed for adminiſtration of Juſtice within the Kingdom, which Commiſsions did never take the wiſhed effect, partly by the over-great and important affaires of the Kingdom, and partly in regard of the reſpective incident troubles of the times; And the Eſtates of

of Parliament, being zealouſly deſirous for the Glory of God, for the Weal of the people, And for the furtherance of the adminiſtration of juſtice within this Kingdome; To have als farre as poſsibly may be, by the bleſsing of God, a perfect rule for adminiſtration of Juſtice, In all cauſes before all Judicatories, aſwell Civill as Criminall, eſtabliſhed by his Majeſties Authority, and by Anthority of the Eſtates of Parliament of this Kingdome, Doe therefore give and grant full power and Commiſſion to the perſons following, *viz. John* Earl of Loudoun &c. L. Chancellor of this his Majeſties Kingdom of *Scotland*, *Archbald* Marq. of Argyle, Sir *Archbald Johnſtone* of Wariſtoun Clerk of Regiſter, Mr *Thomas Nicholſon* our Soveraign Lords Advocate, Sir *Hew Campbell* of Ceſnok, Sir *George Maxwell* of Nether-pollock, Mr. *George Winrame* of Libertoun, Sir *James Hope* of Sir *George Haliburton* of Fodderance Knight, *John Dickſon* of Hartrie, Sir *James Stewart* Proveſt of Edinburgh, Sir *John Smith* of Grottall, Mr. *Robert Barclay* Mr. *Alexander Perſon* Mr. *Robert Bruce* of Gellats, Mr. *Rodger Mowat* Advocate, Mr. *James Dalrumple*, Mr. *Thomas Murray*, and Mr. *John Ellis* Advocates, Mr. *Robert Macgill*.

With Power to the foreſaids Commiſſioners or five of them to be their *Quorum* to appoint a Sub-committee of their number, not exceeding five as ſaid is, for preparing the whole materials to them who are conſtantly to attend and doe diligence therein, unto whom the ſaids Eſtates allowes *per menſem* to ilk one of them for their paines and atttendance, with power alſo to the ſaids Commiſſioners to conveen in whatſomever places, and at whatſomever times, and how oft as they ſhall think fit, and to reviſe and conſider all the Lawes, Statutes and Acts of Parliament of this Kingdome, made and enacted at any time bygone, as well Printed as not Printed; And als to conſider all the conſuetudes and practiſes of the Kingdome, whilk have had the force of Lawes, and whilk have been received as practicks, aſwell in Criminall as in Civill Judicatories within this Kingdome, as well before the Lords of Seſſion, Juſtice Generall, Commiſſar, and Sheriffe Courts, or any other inferiour Judicatories within this Kingdom; And to that effect with power to the ſaids Commiſſioners, and their *Quorum* foreſaid to cauſe be exhibited before them, by the Clerk of Regiſter, the Juſtice Clerk, Commiſſar Clerk, or any other Clerks of any ordinary Judicatories foreſaids, and their Deputes; All and whatſomever their Regiſters and Rolls containing the foreſaid Lawes and Acts of Parliament, aſwell Printed as unprinted, And alſo the Regiſters of all Sentences Interloquutors, or defunctive before the Lords of Seſsion, Juſtice Generall, Commiſſar, or any other Iudge ordinar within this Kingdome; Together with the old Regiſters of the Kirk, called *Regiam Majeſtatem*: To the effect that after due conſideration of the foreſaids Lawes, Acts of Parliament, Conſuetudes, and Practiſes, and mature and ſolid Conſultation and Deliberation had and taken thereupon by the foreſaids Commiſsioners, or their *Quorum* foreſaid, they may by their care, ſollicitude and induſtry collect, draw up, and compyle

a formall modell and frame of a Kirk of just and equitable Laws to be establisshed and authorized by his Majestie and Estates of Parliament for Government of the Lieges in time coming, and for administration of justice to them in all the foresaids Judicatories, to be reported by the saids Commissoners or their *Quorum* foresaid to the Estates of Parliament with all diligence; Together with their opinion and judgement, concerning the abrogating of any by-gone Acts of Parliament, whilk are now of long time by-gone, gone in desuetude, or whilk are superfluous or unprofitable in time coming, To the effect that the Kings Majestie and the Estates of Parliament after the revising and considering of the report, and after they shall have found the same to be for the good of his Majesties Lieges, may establish the same as a perpetuall Law in all time coming.

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# ACT. XLVIII.

## *Commission for Plantation of Kirks.*

15. *March* 1649.

THE Estates of Parliament now presently conveened in this second Session of the second Triennall Parliament by vertue of an Act of the Committee of Estates, who had power from the last Parliament for conveening the Parliament, Gives hereby full power granted in the Commission for plantation of Kirks and valuation of Teynds in the 30. Act of the Parliament in the year 1641. and in the twenty fourth Act of the Parliament 1644. And in the 32. Act of the Parliament 1647, To the persons after named, *viz.* For the Noblemen, *John* Earl of *Lowdoun* high Chancellour of this Realm of *Scotland*, *Archibald* Marquis of *Argyle*, *John* Earl of *Sutherland*, *Alexander* Earl of *Eglintoun*, *John* Earl of *Cassils*, *Francis* Earl of *Bucleuch*, *William* Earl of *Lothian*, *Alexander* Earl of *Leven*, *Archbald* Lord *Angus*, *Robert* Viscount of *Arbuthnot*, *Allane* Lord of *Cathcart*, *William* Lord *Rosse*, *John* Lord *Borthwik*, *John* Lord *Torphichen*, *John* Lord *Balmerino*, *Robert* Lord *Burleigh*, *James* Lord *Cowpar* *Balcarris*, Lord *Kirkcudbright*, *Andro* Lord *Fraser*, *Geo:* Lord *Forrester*, *David* Lord *Elcho*: For the Barons *Dundas* of that ilk, Sir *John Wauchope* of *Nidrie*, Sir *David Home* of Wedderburn, Sir *Ch: Erskine* of *Alveth* Kt. *Beatoun* of *Creich*, *Alex. Brodie* of that ilk, Sir *Alex. Belsches* of Tostis, Sir *Jo: Hope* of Craighal Kt. Baronet, *Arthur Erskine* of *Scottiscraig*, *Dundas* of *Dudingston*, Mr. *John Dickson* of *Busbie*, *Swinton* younger of that ilk *Cunningham* of *Cunninghamheid*, Sir *Andro*

*dro Ker* of *Greinheid*, Sir *Thomas Ker* of *Cavers* *Ruthven* of *Freeland*, Sir *Robert Adair* of *Kinhilt*, *Arthur Forbes* of *Eight*, Sir *George Maxwell* of *Netherpollock*, Sir *James Fraſer* of *Bray*, *Robert Hepburne* of *Keith*, Sir *John Cheiſlie* of *Carſwall* Knight, Sir *James Hope*, Sir *James Hacket* of *Pitfirrain*, *John Shaw* of Greinock, Sir *Adam Hepburn* of *Humbie*, Sir *John Sinclair* of Dumbeth, *Andro Agnew* apparand of *Lochnaw* Sheriff of *Galloway*. For the Burghs, Sir *James Stewart* Proveſt of *Edinburgh*, *Alexander Jaffray* Proveſt of *Aberdeen*, *James Sword*, *Hugh Kennedy*, *John Sempell*, Mr. *Robert Barclay*, *George Gardene*, *William Glendoning*, Mr. *Alexander Dowglas*, *George Porterfield*, Sir *John Smith*, *Robert Lockhart*, *Thomas Bruce*, Mr. *Robert Cunningham*, *James Borthuik*, *Robert Davidſon*, Mr. *James Campbell*, *James Campbell*, *John Sleich*, *Gideon Jack*, *John Williamſon*, *James Rucheid*, And the perſons following as ſupernumerary, Sir *Archbald Johnſon* Clerk Regiſter, Mr. *Thomas Nicolſone* his Majeſties Advocate, Sir *William Scot* of *Clerkintoun*, Sir *Hugh Campbell* of *Ceſnok*, Mr. *George Winrhame*, of *Libbertoun*, and maſter *Alexander Pierſon*, Authorizing hereby the ſaids forenamed perſons or any eleven of them, three being of each Eſtate, With full power contained in the ſaid Commiſſions, conform to the ſaid ſeverall Acts in the years aforeſaids made thereanent als amply, fully and freely, as if the ſaids perſons had been named and inſert in the ſaid Commiſsion and Acts thereanent from the beginning, or as if the ſaid Commiſſion and Acts had been here repeated in the full Tenour and extent thereof, And the ſaid Commiſſion or *Quorum* thereof are to proceed in the matter concrening the Proviſion of Miniſters, according to the Overtures and the Anſwer of this Parliament given thereanent upon the fourteenth of this inſtant, With power alſo to them to Judge and determine finally in ſuch particulars as are referred to their Determination in the ſaid Anſwers or other references of this or any other Seſsion of Parliament, And Ordains the Clerk to be appointed by the Clerk Regiſter to have the truſt of keeping the Books and Regiſters of all the proceedings of this and former Commiſsions, to be forthcoming for the good and uſe of the Lieges, And this preſent Commiſſion to endure ay and while the ſame be diſcharged by the Parliament,

ACT

# ACT XLIX.

## *Act anent Sope-works.*

14. *March* 1649.

THE Estates of Parliament now presently conveened in this second Session of this second Triennall Parliament, Taking to their consideration the great benefit this Kingdome had by making Sope within the country, and the prejudice whilk the decay of Sope works hath occasioned to the Kingdom, And it being incumbent to the Parliament to encourage all such as are vertuously disposed to maintain and advance all such publick Works and Manufactors, as may tend to the good of the Common-wealth, Therefore the saids Estates declares all the Oyles, Ashes, Vessels, Tooles, and other simples and materials of whatsomever sort, which the undertakers & maintainers of any Sope works within this Kingdom, shall import by Sea or Land for the necessary & true use of the said Sope-works, and for the maintaining thereof; Are and shall be exempted and free from payment of any Custome, Excile, or other imposition in all time comming. Likeas the saids Estates of Parliament discharges all Taksmen, Customers, and Collectors of the Customes and Excise present and to come, That they presume not to exact any Custome, Excise, or other imposition for any of the saids materials hereafter to be imported by Sea or Land, for the proper and true use of the saids Sope-works, and for the maintaining and upholding thereof allanerly. And the saids Estates of Parliament discharges all former Acts and Warrnts granted to any private persons, giving them the sole liberty of making Sope, And becausе there are many other commodities brought home and imported under the pretext and colour of these commodities, which are onely made use of for making of Sope, which not being of that nature, may frustrate his Majesty, and the Taksmen of his Customes, of the Customes due for these commodities; Therefore the said Estates of Parliament declares that whatsoever guids or commodities are imported under pretext of materials for making of Sope, which truely are not of that nature, shall be confiscate; And declares the same to fall under the compasse of the Acts of Parliament made thereanent.

ACT

# ACT L.

## *Act of Commiſsion for the Exchequer.*

16. *March* 1649.

THE Eſtates of Parliament now preſently conveened in the ſecond Seſſion of this ſecond Triennall Parliament by vertue of an Act of the Committee of Eſtates, who had Power and Authority from the laſt Parliament for conveening the Parliament, Conſidering how neceſſary it is for his Majeſties Intereſt, and eaſe of his Subjects, That a Commmiſſion of Exchequer be granted to a certain number of Noble men, and others able and well qualified, by whoſe Care, Counſell and Advice, the managing and right government of his Majeſties Rents and Caſualties, may be ruled, guided, or ordered and directed; As alſo conſidering that for the good of his Majeſties ſervice, and the eaſe and ſatisfaction of his Subjects, They have made and conſtitute by an Act of this preſent Parliament, *John* Earle of Loudoun, Lord high Chancellour, *Archbald* Marqueſſe of Argyle, *Alexander* Earle of Eglingtoun, *John* Earle of Caſſils, *Robert* Lord Burghlie, and Sir *Daniel Carmichael* Treaſurer Depute, Commiſſioners for for the Treaſury, Comptrollery, and Treaſury of his Majeſties new augmentations within this Kingdome, Therefore they doe hereby nominate, chooſe, and appoint *Francis* Earle of Bucleuch, *Archbald* Lord Angus, *Robert* Viſcount of Arbuthnet, *David* Lord Elcho *James* Lord Coupar, Sir *David Hume* of Wedderburn, Sir *Hew Campbell* of Ceſnock, *Alexander Brodie* of that ilk, Maſter *George Winrahame* of Libertoun, Sir *Thomas Ruthven* of Freeland, Sir *William Cunningham* of Cunninghamhead, Sir *John Hope* of Craighall Knight, Mr. *Alexander Colvill* of Blair, Sir *James Stewart* Proveſt of Edinburgh, *Alexander Jaffray* *George Porterfield* Proveſt of Glaſgow, Maſter *Robert Barclay* Proveſt of Irving, and *Hew Kennedie* Proveſt of Aire, by and attour all and every one of the Officers of Eſtate, or any foure of them, with any three of the Commiſſioners of the Treaſury to be a *Quorum*, Commiſsioners of Exchequer; And hereby renewes to them, and prorogates the Commiſsion formerly granted to the Exchequer upon the firſt day of *February*, 1645 yeers, and renued and prorogate upon the twenty fift of *March*, one thouſand ſix hundred and fourty ſeven, Excepting alwayes therefrom the power thereby given to them to grant right of any Patronages of Churches, and als excepting the power of granting remiſsion for the crimes of ſlaughter, and adultery, Excepting likewiſe therefrom the clauſe conceived in favours of Sir *James Carmichael* then Treaſurer

Treasurer Depute, without prejudice of any right competent to Sir *Daniel Carmichael* now Treasurer Depute, whensoever there shall be an high Treasurer setled, and this present Commission to endure till the next Session of Parliament.

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# ACT LI.

## *Act of Commission for the Treasurer.*

*16. March*, 1649.

THE Estates of Parliament now presently conveened in this Second Session of the second Triennall *Parliament*, By vertue of an Act of the Committee of Estates, who had *Power* and Authority from the last *Parliament* for conveening of the *Parliament*, Considering how necessary it is for the just ordering and directing the matter of Exchequer, and for ingathering and managing his Majesties rents and casualties for the good of his service, and ease of his Subjects, that some faithfull and able persons be chosen and elected to supply the place and office of Treasurer principall. Therefore they do hereby make, nominate and constitute, *John* Earl of Lowdoun, Lord High Chancellor, *Archbald* Marquesse of Argyle, *Alexander* Earl of Eglingtoun, *John* Earl of Cassils, *Robert* Lord Burghlie, Sir *Daniel Carmichael* Treasurer Depute, his Majesties Commissioners of Treasury, Comptrollerie, and Treasury of new augmentations; and hereby gives, Grants, and renewes to them or any three of them, the *Power*, Warrant, and Commission formerly granted by the Act of *Parliament*, 17. *Nov.* 1641. to the Commissioners for Treasury therein nominated, with the priviledges and casualities therein contained, excepting therefrom the clause conceived in favours of Sir *James Carmichael* then Treasurer Depute, and without prejudice of any right competent to Sir *Daniel Carmichael* now Treasurer Depute, whensoever there shall be an High Treasurer settled, and this present Commission to endure aye, and while it be recalled in *Parliament*.

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ACT

# ACT LII.

## *Act* Salvo jure cujuſlibet.

16. *March*, 1649.

THE Eſtates of Parliament now preſently conveened in this ſecond Seſsion of the ſecond Triennall Parliament by vertue of an Act of the Committee of Eſtates, who had Power and Authority from the laſt Parliament for conveening the Parliament, Conſidering that in this preſent Seſſion of Parliament, there are ſome particular Acts, and Acts of Ratification, made in favours of particular perſons, which may be prejudiciall to the parties having Intereſt, and not heard: Albeit the meaning of the Eſtates at this time, as it was ever in all preceding Parliaments, That by no particular Act, or Act of Ratification granted to any particular perſon, any other partie ſhould be hurt or prejudged of their lawfull Rights and defences competent to them of the law; For remedy whereof it is Statute and Ordained, that no Ratification, or other particular Act whatſomever, made in favours of any particular perſon in this preſent Seſſion of Parliament, be prejudiciall to any other Parties, Rights, or Defences, competent to them of the law; but that the ſaids particular Acts, and Acts of of Ratification made in favours of particular parties, be alwayes underſtood, *Salvo jure cujuſlibet.*

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# ACT LIII.

## *Act continuing the Parliament to the* 23. *of* May, 1649.

16. *March*, 1649.

THE Eſtates of Parliament now preſently conveened in this ſecond Seſſion of the ſecond Triennall Parliament, By vertue of an Act of the Committee of Eſtates, who had Power and Authority from the laſt Parliament for conveening of the Parliament, Continues this preſent Parliament, and all matters belonging thereto, (which are not committed or remitted *reſpectivè* to the Committee of Eſtates of Parliament, or to other Commiſsioners of Parliament, or to the Lords of Seſsion) while the twenty third day of *May* next to come, at the which day Or-

dains the whole Eſtates to be preſent to attend at *Edinburgh*, or where it ſhall happen the Committee of Eſtates foreſaid or *Quorum* thereof to appoint, And Ordains the whole Acts and Statutes made and concluded in this Seſsion of Parliament, To ſtand and have the force and ſtrength of Acts of Parliament, conform to the Tenours thereof, ſiclike as any Acts and Statutes of any preceding Parliaments in any time bygone, And alſo the Eſtates of Parliament Ordains the Lords of Seſsion, to conveen and ſit down in Seſsion for adminiſtration of juſtice to the Leiges, the firſt day of *June* next to come, and to continue in the exerciſe thereof, at the ordinary time appointed for ſitting of Seſsion; And Ordains publick Proclamation to be made hereof at the Mercat Croſſe of *Edinburgh*, by ſound of Trumpet, that none pretend ignorance thereof, either for attending the Parliament at the day above mentioned, or the down-ſitting of the Seſsion.

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The

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# The Table of the Printed Acts, done and paſt in the ſecond Seſsion of the ſecond Triennal Parliam. of our Soveraign Lord *CHARLES* the firſt, King of Great *Britain*, *France* and *Ireland*: And in the firſt Parliament of our Soveraign Lord *CHARLES* the ſecond, by the grace of GOD King of Great *Britain*, *France* and *Ireland*: Beginning the 4. of *January*, and ending the 16. of *March* 1649.


January 4.

1. *ACT anent the Election of the Earl of* Loudoun *Lord Chancellour to be preſident of this Seſsion of Parliament.*

January 5.

2. *Act anent a ſolemn humiliation to be keeped by the hail Members of Parliament, and anent the ſubſcriving of the Covenant by them.*

January 11.

3. *Act ratifying the Act of Indiction of this preſent Parliameut.*

January 16.

4. *Act repealing all Acts of Parliament or Committee made for the late unlawfull Engagement, and ratifying the Proteſtation and Oppoſition againſt the ſame.*
5. *Act in favours of the Miniſters who were at* Mauchline *Moore.*
6. *Act of Commiſsion anent the Vniverſity of* St. Andrews.

January 18.

7. *Act containing the return of the Eſtates of Parliament upon the Teſtimony communicated unto them by the Commiſsioners of the General Aſſembly, and their concurrence with the ſame.*

January 23.

8. *Act of Claſs for purging the Judicatories and other places of publick truſt.*

January 25.

9. *Act in favours of the Vniverſity of St.* Andrews *and others, anent the Rents of the Archbiſhoprick and Pryorie of St.* Andrews *and others.*

January 26.

10. *Act ratifying and containing the tenour of the Band for ſecuring the Peace of the Kingdom.*

February 1.

11. *Act againſt Conſulters with Devils and Familiar Spirits, and againſt Witches, and Conſulters with them.*
12. *Act againſt Fornication.*

# The Table.


February 3.

13. *Act of Maintenance for the moneth of* February.

February 5.

14. *Proclomation of* Charles *the ſecond King of great* Britain, France, *and* Ireland.

February 7.

15. *Act anent ſecuring of the Covenant, Religion, and Peace of the Kingdom.*

16. *Act anent the Catechiſmes, Confeſsions of Faith and Ratifications thereof.*

February 10.

17. *Act for Information of the Lieges, anent the ſecuring of the Peace of the Kingdom.*

February 13.

18. *Act againſt Remiſsions and Reſpites.*

19. *Act anent the ſeverall degrees of caſuall homicide.*

20. *Act againſt ſwearing, drunkenneſſe, ſcalding and other prophaneſſe.*

21. *Act anent Mortifications and Dotations to Hoſpitals and others pious uſes.*

22. *Act againſt Clandeſtine Marriages.*

23. *Act againſt ſcandalous perſons.*

24. *Act againſt going of Mylnes, Kills, Salt pans, or fiſhing on the Lords day.*

February 15.

25. *Act of Poſture.*

February 17.

26. *Act for keeping of the Judicatories and Places of truſt free of corruption.*

27. *Act anent Mynes and Minerals.*

28. *Act againſt the horrible crime of Blaſphemie.*

February 28.

29. *Act of Leavie.*

March 1.

30. *Act anent the Poore.*

March 2.

31. *Act againſt theſe of* Innernes, *who have now riſen in Rebellion.*

March 3.

32. *Act againſt Worſhippers of falſe Gods.*

33. *Act againſt beaters and curſers of Parents.*

March 7.

34. *Act of additionall Exciſe.*

35. *Act anent theſe perſons who are to be fined, and from whom money is to be borrowed.*

36. *Act anent the filling of the places of the Principals of Philoſophie in the Univerſity of St.* Andrews.

37. *Act of Maintenance of* March, April *and* May.

# The Table.

March 8.

38. *Act in favours of the Vaſſals of Kirklands.*

March 9.

39. *Act aboliſhing Patronages.*
40. *Act of Quarterings.*

March 10.

41. *Act anent the filling of vacand places.*

March 14.

42. *Commiſsion to the Committee of Eſtates.*
43. *Commiſsion for money and Exciſe.*
44. *Act anent the Creditors of forefaulted perſons.*
45. *Act anent Miniſters Stipends, Gleibs and Manſes.*

March 15.

46. *Act annulling new Sheriff-ſhips.*
47. *Commiſsion for reviſing of the Laws and Acts of Parliament.*
48. *Commiſsion for Plantation of Kirks.*
49. *Act anent ſope-works.*
50. *Commiſsion for the Exchequer.*

March 16.

51. *Act of Commiſsion for the Theſaurie.*
52. *Act* ſalvo jure cujuſlibet.
53. *Act continuing the Parliament to the* 23. *of* May 1649.

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The

# *The Table of the unprinted Acts and Ratifications past and done in the ſecond Seſsion of the ſecond Triennal Parliament of our Soveraign Lord* CHARLES the Firſt, *King of* Great Britain, France *and* Ireland: *And in the firſt Parl. of our Soveraign Lord* CHARLES the Second *by the grace of God King of* Great Britain, France *and* Ireland: *Beginning the* 4. *of* January, *and ending the* 16. *of* March, 1649.


5. *Januarii* 1649.

Ratification of the Act of the Committee of Eſtates anent the Exciſe and prorogation thereof.

Prorogation of the Committees of Warre in the ſeverall Shires.

Act in favors of *John Dickſon* of Heartrie, anent the Records of Parliament.

9. *Januarii* 1649.

Ordinance anent the Initiall words to be prefixed to Acts of Parliament.

Warrand to Sir *Iames Hope* to hold Courts within his Majeſties Mint-houſe.

12. *Ian.* 1649.

Proteſtation Lord *Borthwike* for precedencie.

Proteſtation Lord *Roſs* for precedencie.

Proteſtation Lord *Cathcart* for precedencie.

Proteſtation Laird of *Wedderburn* for the Sheriffdom of *Berwick*.

15. *Ian.* 1649.

Act againſt theſe who were upon the unlawfull Engagement, and had uſed Inſolencies.

18. *Ian.* 1649.

Warrand to Sir *William Scot* Clerk of Parliament, to ſubſcrive extracts and Acts thereof.

Oath of the Members of Parliament, anent their knowledge of, or acceſſion to the late proceeding of the Engliſh Army in relation to the King or Houſes of the Parliament of *England*.

Act in favors of *Iohn Dickſon* of Heartrie.

Act in favours of the Lord *Roſs*.

Act anent the citation of theſe who falls under the Act of Claſſes.

Act diſcharging the Tranſportation of Victuall.

Diſpenſation for inferiour Judicatures to ſit, notwithſtanding the ſitting of the Parliament.

25 *Ian.* 1649.

Act in favours of the Univerſity of Saint *Androis*, anent execution to follow upon ſentences to be given out by the Commiſſion appointed therefore.

27. *Ian.* 1649.

Act in favours of the Lord *Ochiltrie*.

30. *Ian.* 1649.

Act in favours of the Town of S. *Androis* for proviſion of a third Miniſter.

Act anent the taking of the Oathes of theſe lyable in payment of the Exciſe.

2. *Febr.* 1649.

Ordinance for ane Solemn Faſt.

3. *Febr.* 1649

Act in favours of the Shires in the Weſt and others that riſe in oppoſition to the late unlawfull Engagement.

Act in favours of the Earl of *Sutherland*.

Act of exemption from payment of the Maintenance for the Moneth of *Febr.*

Act in favours of certain perſons in *Elgin* and *Nairn*.

5. *Febr.* 1649,

Act declaring the meeting of Parliament and Acts done upon the 5. *Febr.* 1649. to be lawfull.

Act anent the ſolemnities to be keeped in reading and proclaiming of *Charles* the Second King of Great *Britaine*, *France* and *Ireland*.

Act in favours of *John Campbel*.

6. *Febr.* 1649.

Act in favours of the Lieges who purchaſed Brieves and others Writts before or after our late Soveraign his death, and before the knowledge thereof.

7. *Febr.* 1649.

Commiſſion in favours of the Earle of *Sutherland*. 8. *Feb.*

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8. *Febr.* 1649.

Warrand granted to the Juſtice to ſit upon *Patrick Bald.*

Act in favours of the Town of *Breichen.*

Act for uſing the ſeales and caſſat, while new ones be made.

Act anent Signators and others paſt our late Soveraign his hands, and not paſt the Exchequer before his deceaſe.

Act in favours of the Tutor of *Caddell*, anent the Gariſon of *Yla.*

Anſwer of Parliament to the obſtructions whilks might occaſion defalcation of the Maintenance of the four Moneths preceeding *Februar* inſtant.

Act in favours of Reformeir Officers.

Act joyning the Bailliarie of *Lawderdale* to the Sheriffdom of *Berwick*, anent the publick Dues.

9. *Febr.* 1649.

Act in favours of *Robert Pattoun.*

Act in favours of *Chriſtian Forret.*

Act in favours of Dame *Geils Moncreif.*

Act anent the Kirk of *Camerone.*

Act in favours of Captain *Alexander Lokhart.*

Act in favours of *Iohn Campbel* and others.

Act in favours of the Lord *Lavat* and Sir *Iames Fraſer.*

Act in favours of *Hector Macleane* of *Torlosk.*

Act in favours of the Laird of *Kilſythe.*

Act in favours of *Alexander Meinzies*, and *Patrick Roſs.*

Act in favours of the Committee of War of the Sheriffdom of *Linlithgow.*

Act in favours of the Town of *Aberbrothe.*

Act in favours of the Town of *Forfar.*

Act in favours of the Town of *Forres.*

Act in favours of the Heretors of *Spyne.*

Act in favours of the Tenents of *Inchketr.*

Act in favours of Maſter *Robert Gordoun* of *Straelothe.*

13. *Febr.* 1649.

Act in favours of the Committee of Wars of *Pearthſhire.*

Act in favours of the Laird of *Houſtoun.*

Decreet againſt the Earl of *Crawfurd-Lindſay* Theſaurer principall. &c.

Decreet againſt the Earl of *Lanerk* Lord Secretar &c.

Decreet againſt the Earl of *Roxburgh* Lord Privyſeal, &c.

Decreet againſt Sir *Alexander Gibſone* of *Durie* Clerk of Regiſter, &c.

Decreet againſt Sir *Andro Fletcher* of *Innerpeffer*, one of the Senatours of the Colledge of Juſtice, &c.

Act of diſſolution of the Parſonage of *Kingkell.*

Ratification of the contract betwixt the Earl of *Carnwath*, and Presbyterie of *Biggar.*

15. *Feb.* 1649.

Decreet againſt the Lord *Halkertoun*, one of the Senatours of the Colledge of Juſtice, &c.

Decreet againſt Sir *Iohn Hamiltoun* of *Orbeſtoun* Juſtice Clerk, &c.

Decreet againſt Sir *Iames Lokhart* of *Lea*, one of the Senatours of the Colledge of Juſtice, &c.

Decreet againſt *William* Earl of *Glencarne* Juſtice Generall, &c.

16 *Feb.* 1649.

Act in favours of the Miniſters of *Drumire* and *Kirkpatrick.*

Act in favours of the Earl of *Levin* Lord Generall, &c.

Act in favours of Maſter *William Twedie* Miniſter at *Slamanno.*

Act in favours of *Iohn Duff* and *Chriſtian Allane.*

Act in favours of *Chriſtian Forret.*

Act in favours of *Robert Patoun.*

Warrand to the Lord Chancellour to paſſe all Suſpenſions in matters concerning the Exchequer.

Act in favours of the Laird of *Ardkinlas.*

Act in favours of the Lady *Lamount.*

Act in favors of *Iames Campbel* Writer.

Act in favours of the Town of *Monroſs.*

Act in favours of the Town of *Dundie.*

Act in favours of the Parochin of *Kirkcanders.*

Commiſſion for trying of *William Mackornock.*

Proteſtation by the Earl of *Haddingtoun* againſt the Act of Mynes and Minerals, with the Proteſtation in the contrare.

20. *Feb.* 1649.

Act in favours of the Earl of *Glencairn.*

Ordinance for repairing the Works in and about *Pearth.*


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Act in favours of the Earl of *Eglintoun*.
Act ratifying *Iames Stirling* his accompts of the rents of *Mugdock*.
Act in favours of the Marqueſſe *Argyle*, anent the rents of *Mugdock*.

23 *Feb.* 1649.

Orders for the fortification of *Leith*.
Act in favours of *Anſtruther*-Eaſter.

24. *Feb.* 1649.

Act in favours of Captain *George Smyth*.
Act in favours of *Francis Broodie*.
Act in favours of the Town of *Pearth*.
Act in favours of *Duncan Forbes* and his ſon.
Act of exemption in favours of the Town of *Innernes*.
Act in favours of *Robert Ferquharſon* of *Innercald*.
Warrand for farming the Exciſe of *Aberdene*.

26. *Feb.* 1649.

Act in favours of the Lord *Ochiltrie*.
Act in favours of the Lord *Cowper*.
Act in favours of *William Muire* of *Glanderſtoun*.

27. *Feb.* 1649.

Proteſtation Sir *William Dick* againſt the additionall Exciſe.

1. *March* 1649.

Act anent the nomination of the Rootmaſters.

2. *March* 1649.

Commiſſion for trying the Collector of *Pearth*-ſhyre to an accompt.
Act in favours of the Laird of *Ceſnock*.
Act in favours of the Lord *Fraſer* and others, anent the houſe of *Pitcaple*.
Act in favours of the Inhabitants of the *Chanrie* of *Roſs*.
Act in favours of the Lord Chancellour, anent his proportion of this preſent Leavie of Horſe.
Act of exemption in favours of the Earl of *Dumfermling*.
Act of exemption in favours of the Lairds of *Glenurquhie*.
Act of exemption in favours of the Laird of *Lawers* Comries and others.
Act againſt Run-awayes, and theſe who were upon the unlawful Engagement.
Act in favours of the Town of *Edinburgh* anent their Miniſters Stipends.
Act in favours of Sir *Iohn Murray* of *Philiphaugh*.
Act in favours of Maſter *Robert Keith*, Miniſter at *Deir*.
Act in favours of the Heretors of *Glencairn*.
Act for tranſportation of the Kirk of *Baſſindean*.
Decreet againſt the Earl of *Glencairn*, annulling his Patent of Earledome 18. *May* 1488.

3. *March* 1649.

Warrand granted to Sir *William Scot* for giving out Commiſſions for Revaluations.
Act in favours of Captain *Iohn Macknab*.

5. *March* 1649.

Warrand to the Lords of Seſſion to grant diſpenſation for Inferior Judicatories.

6. *March* 1649.

Commiſſion granted to the Earl of *Caſſils*, Lairds of *Brodie* and *Libertoun*, to go to his Majeſty in *Holland* with the Inſtructions given to them.
Ratification in favours of *Iohn Hamilton* of *Udſtoun*.
Ratification in favours of Maſter *David Hay* of *Woodcockdail*.
Ratification in favours of *Mary Durhame* and Major *Dickſon*.

7. *March* 1649.

Prorogation of the dyet appointed for the meeting of the Commiſſion for the Univerſity of *S Andrews*.
Act in favours of Sir *Iames Stuart* Generall Commiſſar anent the fifth part added to the Maintenance.
Act in favours of the Royall Burrows.
Ratification of the Act of the Committee of Eſtates for exemption of *Glenurquhy*, *Lawres* and others.
Act of exemption in favours of the Laird of *Buchanan*.
Act of exemption in favours of the Burgh of *Breichen*, and others.

8. *March* 1649.

Act in favours of the Town of *Edinburgh*, anent the Impoſition upon Wine, Strong-waters, and Tobacco.
Commiſſion for revaluation of the Sheriffdom of *Eaſt-Lothian* and others.
Proteſtation Earl of *Abercorn* againſt the Act made in favours of the Vaſſals of *Kirklands*.
Warrand to the Lord Chancellour and Director

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Director of the Chancellary, anent Colonel *Scot* his Pass.

Act in favours of *Alexander Forbes* and *Alexander Brodie*.

*9. March* 1649.

Act anent the maintenance of run-away Souldiours.

Decreet at the instance of the Earl of *Eglintoun* against the Earl *Glencairn*.

Act in favours of the Town of *Borrowstounnes*, anent the erection of a new Kirk.

Act in favours of the Laird of *Lawres*.

Act in favours of *Iohn Hay* of *Cnockcowdie*.

Act of exemption in favours of the said *Iohn Hay*.

Act in favours of the Earl of *Sutherland*.

Act in favours of Sir *Charles Erskine*.

Act in favours of the Marqueſſe *Argyle*.

Act in favours of the Town of the Canogate, anent their Ministers stipends.

Act ordaining the Committees of Warre to supply the places of the Justice of Peace.

10. *March* 1649.

Decreet against Sir *Archbald Primerose* Clerk of Secret Councell.

Decreet against Sir *Iames Learmonth* of *Balcomie* one of the Senatours of the Colledge of Justice, &c.

Decreet against Sir *Iames Carmichael* Thesaurer-Depute.

Act anent the filling of vacant places.

Nomination of the Earl of *Sutherland* to be Lord Privie seal.

Nomination of the Earl of *Lothiane*, to be one of the two that are to discharge the office of Secretary.

Nomination of Sir *Daniel Carmichael* to be Thesaurer-Depute.

Nomination of Sir *Archbald Iohnstoun* to be Clerk of Register.

Nomination of Master *Thomas Nicolson* to be his Majesties Advocat.

Act in favours of the Lairds of *Glenurquhy* and *Auchinbreck*.

12. *March* 1649.

Act anent Sir *Archbald Iohnstoun* Clerk of Register, accepted his place, and gave his oath *de fideli administratione*.

Act anent the purging of the places under the Clerk of Register.

Act and warrand for delivery of the keys of the houses of the Castle of *Edinburgh* where the Registers and Records lyes to the Clerk of Register.

Act in favours of the Burgh of *Aberdene*.

Warrand to the L. of *Suintoun* for examining the processe and decreets of forefaulture against the late Marqueſſe of *Huntly* and others.

Act anent the division of the Horses to be put forth by the Shires of *Aberdene*, *Kincardin* and *Bamff*.

Protestation by the Vicount of *Arburthnet* against the said Act.

Act anent the lands of *Innerugrie* and *Struloch*.

Act in favours of the E. of *Cassils*.

Act in favors of *Wil. Muir* of *Glanderston*

Act in favours of Col. *Rob. Montgomerie*.

Act anent the disposing of borrowed Moneys and Fynes.

Act in favours of Sir *Iohn Brown*.

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Orders to the Generall Commissar anent the paying of the Forces.

Warrand to the Lord Chancellour anent the Minister of *Dalmenie*.

Act where M. *Thom. Nicholson* accepted to be his Majesties Advocate, and gave his oath.

Act in favours of the Earl of *Eglintoun*.

Act anent the election of seven ordinary, & two extraordinary Lords of Session,

Act and decreet against Sir *Iohn Leslie* of *Newtoun*.

13. *March* 1649.

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Commission for revising of Reports and Bills.

Act appointing the Lord *Balmerinoch* in place of his father, for visiting the Universitie of Saint-*Andrews*.

14. *March* 1649.

Act in favors of the E. of *Leven* L. Gen.

Recommendation of the Earl of *Caithnes* to the Laird *Dumbeath*.

Act for augmentation and provision of Ministers.

Commission anent *Alex. Wilkison* Burgesse of *Lawder*.

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Recom. in favours of Sir *Iames Hope* anent the erection of a Kirk, to the Commissioners for plantation of Kirks.
Commission for trying of the losses of *Bamff* and *Cullown*,

15. *March* 1649.

Order to the Committee of Estates for appoynting one to draw in writ the Chronicles of the tymes.
Ratif. of an Act of the Committee of Estates in favours of Sir *Iohn Weymes* of *Bogie*.
Act in favours of the Laird of *Brodie*.
Act nominating *Archbald Scot* of *Simtoun* to be Rut-master of the Shyre of *Selkirk* in place of the L. of *Stobs*.
Addition to the Cammittee of War of the Shyre of *Linlithgow*.
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Act appoynting the Laird of *Allantoun* younger to be Rutmaster in place of *George Lockhart*.
Act in favours of *Alexander Forbes* of *Auchintoull*.
Additionall Instructions to the Commissioners going for *Holland* to his Majesty.
Letters to the Kings Majesty.
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Act in favours of the L. of *Wedderburne*.
Act in favours of *Thomas Glaidstanester*.
Act in favours of the L. of *Buchanane*.
Act in favors of *Alex. Brodie* of *Lethem*.
Act in favours of Coll. *Iohn Cockburne*.
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Act in favours of M. *Alexander Colvill* of *Blair* Justice Depute.
Act and recommendation in favours of the Ministers in the Presbyterie of *Dunse*, anent the Parochin of *Eckilis*.
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Ratific. in favours of the principall Taksmen of the Kings Customs & Impostes.
Act in favours of M. *Will. Row* Minister.
Act anent the confining of the Earl of *Crawfurd-Lindsay*.
Act electing the Earl of *Cassils* to be Justice Generall.
Act electing the Sheriffs principals in the severall Shyres.
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Act appointing of Sir *Hew Campbell* of *Sesnock* to be Justice Clerk.
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16. *Martii*, 1649.

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nant Colonel *Menzies*.
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Act for dividing the Shire of *Roſſe* from the Shire of *Innernes*.
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Act in favours of the Earl of *Kinghorne*, the Countеſſe of *Kinghorne* his Mother, and the Earle of *Panmure*.
Act in favours of *Iames Monorgand*.
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Remit. in favours of the Laird of *Glenkindie*.
Act in favors of Mr. *Ja. Campbell* of *Moy*.
Act in favours of ſundry Miniſters in the Shires of *Aberdeen* and *Bamff*, anent their ſtipends.
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Act in favours of the Laird of *Glenkindie*.
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Recommendation in favours of the Preſbytery of *Aberdeen*, to the Commiſſioners for plantation of Kirks.
Act and Decreet in favours of Sir *John Brown* of Fordell.
Act anent the tranſportation of the Kirk of *Dunſcoire*.
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Act in favours of Mr. *Laurence Scot*.
Act in favours of Sir *Iames Hope* anent his lead-work, and workmen.
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Act where Mr. *Robert Bruce* of *Gellats*, Mr. *Alexander Perſon*, and Mr. *Robert Macgill*, made faith *de fideli adminiſtratione*, as Lords of Seſsion.

Order for *Iohn Dickſon* of *Hairtrie* to deliver the Keyes of the Caſtle of *Edinburgh*, where the Regiſters lies, to the Clerk Regiſter.

Act for filling up places of Privy Councell, and where Mr. *Thomas Nicholſon*, and the Provoſt of *Edinburgh* made faith as Privy Councellours.

Act Ordaining thoſe who falls not under the compaſſe of the Claſſes, to be preferred in payment to theſe who falls under the compaſſe of the ſaid Act.

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Act of Election of certain Privy Councellours.

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Act in favours of the Countes of *Merſhell*.

Act in favours of Sir *Iames Stewart* Generall Commiſſar.

Ratification in favours of *VVill. Short*.

Ratification in favours of Sir *Iames Stewart* of his gift of the offices of Generall Commiſſary Collectors of the maintenance and Treaſurer of the Excise.

Ratification in favours of Sir *Archbald Iohnſton* of *VVariſtoun* Knight, Clerk of Regiſter anent his penſions.

Ratification in favours of the Lord Chancellour anent the Sheriff-ſhip of *Air* and Bailziary of *Kil-ſtewart*.

Ratification in favours of Maiſter *Adam Brown* Miniſter.

Ratification in favours of Mr. *Thomas Murray* and Mr. *Patrick Pitcairn*.

Ratification in favours of *Iamet Ruch* Merchant.

Ratification in favours of the Marqueſſe of *Argyle*.

Ratification in favours of the Burgh of *Inner-ary*.

Ratification in favours of the Lord Chancellour and his Son.

Ratification in favours of the Lord Chancellour anent the yeerly penſion of thouſand pound ſterling.

Ratification in favours of Sir *Alexander Hope*.

Ratification in favors of *Iohn Buchan*.

Ratification in favours of *Robert Fraſer* of *Stichell*, of the lands of *VVeſter Gordoun* called *Greinknow*.

Three Ratifications in favours of the Town of *Edinburgh*.


FINIS.

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